dealing with

workplace

Violence

A Guide for
Agency Planners

**United States
Office of
Personnel Management**

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FOREWORD

Preventing workplace violence is a growing concern in the United States. Public interest and media attention have focused primarily on dramatic but very rare types of violence such as shootings by disgruntled employees in office buildings. Planners of workplace violence programs face the dual challenge of reducing employees' anxiety about very rare risk factors while focusing their attention on more likely sources of danger. Undue anxiety about the "office gunman" can stand in the way of identifying more significant, but less dramatic, risk factors such as poorly lighted parking lots or gaps in employee training programs. This anxiety can also make it more difficult to cope with one of the most common workplace violence problems—the employee whose language or behavior frightens coworkers.

Federal employees in organizations such as the National Institute for Occupational Safety and Health and the Occupational Safety and Health Administration have played a leading role in helping employers recognize and respond appropriately to the actual risks of workplace violence faced by their employees. At the same time, the risk of violence against Federal employees themselves has received increased attention, particularly in response to the tragic loss of life in the terrorist bombing of the Alfred P. Murrah Federal Building in Oklahoma City in 1995. For many Federal workers, the anti-government sentiment they had handled on the job for years suddenly acquired a new and terrifying context.

Even before the Oklahoma City tragedy, Federal managers and specialists, like their private sector counterparts, were becoming aware of the dangers of workplace violence and concerned about developing preventive programs for their employees. This was a challenging endeavor. When they turned to the private sector for expert guidance, they often found advice that ran counter to Federal laws and regulations, or that failed to cover issues faced by Federal employees. However, in attempting to develop their own programs, agencies often discovered that they lacked the expertise necessary for a truly comprehensive approach. Depending on its mission, an agency might be rich in law enforcement personnel but without the needed resources in mental health or other disciplines whose input was essential.

In the spirit of reinventing government, the U.S. Office of Personnel Management organized the Interagency Working Group on Violence in the Workplace. The purpose was to bring together a multi-disciplinary group of experienced professionals from throughout the Federal Government in order to develop comprehensive approaches to analyzing and responding to threats or incidents of violence in the Federal workplace. This document is a product of the Office of Personnel Management and the Interagency Working Group.

Introduction

Purpose of Handbook

This handbook, developed by the Office of Personnel Management and the Interagency Working Group on Violence in the Workplace, is the result of a cooperative effort of many Federal agencies sharing their expertise in preventing and dealing with workplace violence. It is intended to assist those who are responsible for establishing workplace violence initiatives at their agencies. However, we anticipate that its usefulness will extend well beyond the planning phase since many of the chapters provide information that can be helpful for managers and specialists as they deal with difficult workplace violence situations.

Overview

This handbook introduces a process for developing an effective workplace violence program. It guides an agency's planning group through the basic steps of developing programs, policies, and prevention strategies. It presents a set of case studies for the planning group to use in analyzing agency needs, planning programs, and training personnel to respond to workplace violence situations. The case studies introduce a wide range of challenges an agency may face, and they provide discussion questions to help the planning group develop the most effective approach to these challenges.

Basic technical information

This handbook also presents basic technical information on several areas of expertise that may be involved in workplace violence programs. Its purpose is to serve as a reference for planning group members as they find themselves working with colleagues whose professional background is different from their own. While in no way comprehensive enough to serve as a training manual, it helps the planning group become more familiar with the technical language, ethical constraints, and other special issues that each profession brings to the interdisciplinary group.

Guidance

The guidance is based on the collective expertise and experience of Federal Government law enforcement officers, security specialists, criminal investigators, attorneys, employee relations specialists, Employee Assistance Program counselors, forensic psychologists, and union officials. It consists primarily of "lessons learned" from many years of experience with actual cases involving potentially violent and iolent employees.

Overview (continued)

The guidance covers not only incidents of physical violence, such as shootings and assaults, but also the far more prevalent incidents of intimidating, "bullying," and other inappropriate behavior that frighten employees. It covers incidents involving employees and incidents involving individuals from outside the agency threatening violence against agency employees.

The Importance of Planning

The central theme which emerges from the shared experience of these specialists from different disciplines is this: While some cases of workplace violence can be dealt with swiftly and easily by a manager with the assistance of just one specialist or one office, most cases can be resolved far more easily and effectively if there is a joint effort which has been planned out in advance by specialists from different disciplines.

Be prepared

Many who have never experienced workplace violence say, *I don't need to worry about this. It would never happen in my office*. Violent incidents are relatively rare, but they do occur, and lives can be lost. A little preparation and investment in prevention **now** could save a life. There is no strategy that works for every situation, but the likelihood of a successful resolution is much greater if you have prepared ahead of time.

The benefits of a joint effort

The experience of agencies who have developed programs has shown that managers are more willing to confront employees who exhibit disruptive and intimidating behavior when they are supported by a group of specialists who have done their homework and are prepared to reach out to others when they know a situation is beyond their expertise. This team approach promotes creative solutions and much needed support for the manager in dealing with difficult situations that might otherwise be ignored.

Deal with disruptive situations

Ignoring a situation usually results in an escalation of the problem. Morale and productivity are lowered; effective employees leave the organization. On the other hand, dealing effectively with situations like hostility, intimidation, and disruptive types of conflict creates a more productive workplace. This can have a deterrent effect on anyone contemplating or prone to committing acts of physical violence. Employees will see that there are consequences for their actions and that disruptive behavior is not tolerated in their organization.

The Importance of Planning (continued)

This handbook is intended to complement existing Federal Government publications on workplace violence, such as the National Institute for Occupational Safety and Health's *Violence in the Workplace Risk Factors and Prevention Strategies*, and the Occupational Safety and Health Administration's *Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers*.

Program Development

Overview

There are many different approaches agencies can take in developing plans to prevent workplace violence. An approach that works well in one agency may not be suitable for another. This chapter outlines some broad guidelines that can help agencies in:

Analyzing their current ability to handle potentially violent situations,

Filling in any skills gaps that exist,

Developing a procedure for employees to report incidents, and

Developing response plans.

Forming a Planning Group

Successful agency programs usually start by forming a planning group. The planning group evaluates the agency's current ability to handle violent incidents and recommends ways to strengthen its response capability.

Typically, members of a planning group include representatives from management, Employee Relations, Employee Assistance Program (EAP), Law Enforcement, and Security. Organizations that are too small to have a law enforcement/security component often have a representative of the Federal Protective Service (when they have jurisdiction) or the local police on their planning group. Depending on the size and structure of the agency, membership may also include representatives from Safety, Health Unit, Medical Department, Office of Equal Employment Opportunity, Public Affairs, and other appropriate offices.

Participation on the planning group should **always** be offered to the Office of General Counsel and the Office of Inspectors General. When these offices are not represented on the planning group, they usually act as consultants to it.

While many offices may be represented on the planning group, only a few of them will generally be involved in responding to reported

Forming a Planning Group (continued)

incidents. For example, representatives from Employee Relations, EAP, and Security often make up the incident response team. Typically, representatives from the other offices will not be involved in responding directly to incidents, but they will act as consultants to the incident response team or play an active role only in certain types of situations.

Working with Your Union

An agency should involve the union early on in the process of planning workplace violence programs. Unions are the elected representatives of bargaining unit employees and are legally entitled to negotiate over many conditions of employment of those employees. Although some of the substantive issues relating to workplace violence, including issues concerning internal security, may be outside the duty to bargain, this does not mean that consultation and discussion with the union cannot occur.

Union involvement is particularly appropriate where there are labor-management partnership councils. It is a good practice to involve recognized unions up-front, before decisions are made, so that they can have an opportunity both to express employees' concerns and to bring to bear their expertise and knowledge. For example, the union may be aware of employees in the agency who have special skills in conflict resolution or crisis counseling. Or the union may be helpful in identifying training needs of employees with regard to workplace violence prevention. Union involvement in the development of a program demonstrates both the agency's and union's commitment to the success of a workplace violence program.

Steps in the Planning Process

#1. Analyze agency's current ability to handle potentially violent situations

Conducting an analysis of the agency's current ability to handle potentially violent situations is a necessary effort. Looking at previous incidents that have occurred at your agency and evaluating how effectively they were handled is a good way to start. Attention should be given to identifying patterns of risk and potential prevention strategies, for example, where a particular workgroup is having a number of complaints in a given period of time.

Steps in the Planning Process (continued)

Also, reviewing the case studies in Chapter 11 and analyzing how they were handled in other agencies can help planning groups determine if their own agency would be prepared to handle similar incidents.

Staff expertise. Because of their different missions, agencies have different areas of staff expertise. Some organizations have strong law enforcement capabilities, some have an in-house medical staff, some have in-house Employee Assistance Program (EAP) counselors, and some have criminal investigators. Agencies may have employees who have special skills that could be put to good use in a potentially violent situation, such as employees who are skilled in mediation, conflict resolution, crisis counseling, investigations, or threat assessment. Identifying offices and individuals ahead of time, working with them in the planning stages, and agreeing on a coordinated response effort is one of the most effective ways of preparing an agency to handle potentially violent situations should they arise.

Level of security and jurisdictional issues. An important part of the analysis is to examine the current level of security at your agency. Follow the advice of your security office or, if you are in a building without a security staff, contact Federal Protective Service (when they have jurisdiction) or local law enforcement about recommended basic security measures.

Work out all jurisdictional issues between the various security and law enforcement entities that may be involved should an emergency occur. There have been cases where an employee has called 911 and critical moments were lost because the Federal Protective Service or in-house law enforcement were the ones with jurisdiction, rather than the local police. In other cases, employees called their in-house security guards and time was lost while local police were being contacted because the security guards did not carry firearms.

Jurisdictional issues are sometimes complicated and must be worked out ahead of time. See Chapter 9 for further discussions of security issues and considerations.

#2. Fill the skills gaps

Skills deficiencies exist even in large agencies with numerous resources at hand. In some organizations training is needed. (See Chapter 4 for a discussion of training.) However, crisis situations occur infrequently and it is often not practical to maintain in-house expertise for every aspect of the agency's response plan.

Steps in the Planning Process (continued)

If this is the case, suggested sources of outside assistance include:

Other government agencies.   Get to know specialists in other government agencies. Federal agencies often share expertise, especially when crisis situations occur. They are also an invaluable source for learning about new training materials and effective training approaches.

Local Police.   If you do not have in-house law enforcement, or are not in a building served by the Federal Protective Service, get to know your local police officers. Invite them in to work with your planning group. They can recommend security measures. They can tell you about jurisdiction and what they would do if you called them during an incident. They can teach employees personal safety techniques and how to avoid becoming a victim.

Other community resources.   Locate and work with resources in your community. For example, if you don't have immediate access to emergency mental health consultation, you can work with your local community mental health department, "hotline" staff, hospital, or emergency crisis center. A nearby university may have faculty who are willing to volunteer consultation services.

#3. Develop a procedure for employees to report incidents

The primary consideration in developing a reporting procedure is to make sure that it encourages employees to report all incidents, even minor ones. Some agencies use hotlines. Some arrange for a member of the team to take the calls, usually a specialist from Employee Relations or Security. Other agencies require employees to report incidents to their supervisor (or to any agency supervisor), who in turn reports these incidents to Employee Relations or Security.

Credibility for any reporting system will be dependent upon whether reports are handled quickly and effectively. Word spreads quickly among employees when a report is made and nothing is done, when a report is handled improperly, or when the allegations are not treated confidentially. Therefore, before a reporting procedure is announced to employees, ensure that the agency staff who will be responding to reported incidents are trained and able to handle any reported incidents.

Also important to the success of any reporting system is management's encouragement for reporting incidents. Agency managers must create

Steps in the Planning Process (continued)

an environment that shows that management will always respond to reports of incidents and to employee concerns.

Incident reports should be reviewed on a periodic basis to provide feedback on the effectiveness of existing intervention strategies and prevention efforts.

#4. Develop plans to respond to workplace violence incidents

Given the wide range of incidents and situations that can occur at the worksite (from disruptive behavior to shootings) and, within that range, the wide variation in threatening and disruptive behaviors, it is difficult for agencies to define specifically the responsibilities of the different offices that would be involved in responding to an incident under a workplace violence program. Agencies have found it useful to classify incidents in broad categories, for example, emergency/non-emergency, or emergency/threats/bullying/disruptive behavior, or coworker/outsider.

Using these broad categories, agencies can determine which offices will generally respond to each type of incident and what role each office would play in the response effort. Agencies can plan for both immediate responses and long-term responses, when appropriate. For example, in the case of a suicide threat, the plan may state that the Employee Assistance Program (EAP) counselor determines whether further action is necessary. If the suicide threat seems imminent, the plan may state that the community's emergency services (or local police) are contacted. The plan would also state what management would do if the EAP counselor were not immediately available.

To facilitate developing a plan that works for your agency, a series of case studies are provided in Chapter 11. There you will find examples of the plans that were in place to handle a number of situations.

It will become apparent from reviewing these examples that plans for a coordinated response to reported incidents must be kept flexible. Responsibility for overall coordination and direction is usually assigned to one individual or one office. The coordinator must have the flexibility to use the plan as a guideline, not a mandatory set of procedures. More important, the coordinator must have the flexibility to tailor the recommended response to the particular situation. It is important to recognize that threatening situations often require creative responses. Given this, the importance of flexibility cannot be overemphasized.

Steps in the Planning Process (continued)

The case studies in Chapter 11 highlight the need for backup plans in situations calling for an immediate response where the individual responsible for a certain aspect of the response effort has gone home for the day, is on vacation, or is out of the building at a meeting. Taking a team approach in responding to a potentially violent situation is an ideal way to provide backup coverage. A team approach ensures that all staff in Employee Relations, the Employee Assistance Program, Security, etc. are thoroughly trained and prepared to work together with management to deal with potentially violent situations. It ensures coverage, regardless of which staffer in each of the offices is on duty when the incident occurs.

Development of Written Policy Statement

Advantages of Written Policies

Once a workplace violence program is ready to be implemented, agencies must decide whether to issue a written policy statement. Among the advantages of issuing a statement are:

It informs employees that the violence policy covers intimidation, harassment, and other inappropriate behavior that threatens or frightens them;

It encourages employees to report incidents;

It informs employees whom to call; and

It demonstrates senior management's commitment to dealing with reported incidents.

Agency programs can also be implemented without a written policy statement. In these agencies, employees are often given information about the program (especially whom to call) in training sessions, on posters, in newsletter articles, or by other similar methods.

> **Note**: Agencies have an inherent right to take action against employees who engage in disruptive or threatening behavior whether or not they have issued a written policy statement.

Policy Statement Contents

A workplace violence policy statement should convey that:

All employees are responsible for maintaining a safe work environment;

The policy covers not only acts of physical violence, but harassment, intimidation, and other disruptive behavior;

Policy Statement Contents (continued)

The policy covers incidents involving coworkers and incidents involving individuals from outside the agency perpetrating violence against agency employees;

The agency will respond appropriately to all reported incidents;

The agency will act to stop inappropriate behavior; and

Supervisors and all of the offices involved in responding to incidents will be supported by upper management in their efforts to deal with violent and potentially violent situations.

Recommended Approaches

Consider the following recommendations in developing your written policy statement:

Keep it brief

A written policy statement should be brief and simple. Implementation details can be provided in training and in more detailed backup documents. For example, roles and responsibilities of the various offices involved in responding to potentially dangerous situations can be outlined in memoranda of understanding or in operating manuals/instructions rather than in the written policy statement that is issued to all agency employees. This approach gives agency staff the flexibility they will need to deal creatively with these fluid, unpredictable situations.

Consider the disadvantages of using definitions

There are disadvantages to using definitions of terms such as violence, threats, and harassment in your written policy statement. Definitions can discourage employees from reporting incidents that they do not believe fall within the definition. The reporting system should not deter employees from reporting situations that frighten them. An employee knows a threat or intimidation or other disruptive behavior when he or she experiences it—definitions are not necessary. If you want to clarify the scope of your organization's concept of one or more of the terms in the policy, you could use examples. For example, you may want to give examples of verbal and non-verbal intimidating behavior.

Another consideration is that definitions are often restrictive and may create legal problems in the future when you are taking disciplinary actions against the perpetrators of workplace violence. Use of definitions can make it more difficult to defend a case on appeal.

Recommended
Approaches (continued)

Be cautious with "Zero Tolerance"

Consider that there could be negative consequences from using the term "zero tolerance." It could create legal problems in the future when you are taking disciplinary actions against the perpetrators of workplace violence. Use of the term could make it more difficult to defend a case on appeal because a third party could conclude, however mistakenly and inappropriately, that the agency has not considered a penalty appropriate for the particular offense.

There are other possible consequences. The term "zero tolerance" also might appear to eliminate any flexibility an agency has in dealing with difficult situations even if this is not intended. Another undesirable side effect is that the appearance of inflexibility can discourage employees from reporting incidents because they do not want to get their coworker fired—they just want the behavior stopped. This appearance of inflexibility also may discourage early intervention in potentially violent situations.

The sample policy on the next page contains language that is similar to "zero tolerance" but takes care of the previously mentioned concerns. It says the agency will not tolerate violent or disruptive behavior and then clarifies what that means by saying "that is, all reports of incidents will be taken seriously and dealt with appropriately."

Consult with Legal Counsel

Consult your Office of General Counsel for the legal implications of your draft policy.

Development of Written Policy Statement

Agencies that wish to issue a written policy statement can use the following sample, changing the format and tone as appropriate, and adapting it for their own situations.

Sample Written Policy Statement

MEMORANDUM FOR EMPLOYEES OF THE DEPARTMENT OF _____

FROM: DEPARTMENT OR AGENCY HEAD

SUBJECT: Workplace Violence

It is the [*insert Department or Agency name*]'s policy to promote a safe environment for its employees. The Department is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. While this kind of conduct is not pervasive at our agency, no agency is immune. Every agency will be affected by disruptive behavior at one time or another.

Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated; that is, all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

We need your cooperation to implement this policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by anyone on agency premises, whether he or she is an agency employee or not, report it immediately to a supervisor or manager. Supervisors and managers who receive such reports should seek advice from the Employee Relations Office at xxx-xxxx regarding investigating the incident and initiating appropriate action. **[PLEASE NOTE: Threats or assaults that require immediate attention by security or police should be reported first to security at xxx-xxxx or to police at 911.]**

I will support all efforts made by supervisors and agency specialists in dealing with violent, threatening, harassing, intimidating or other disruptive behavior in our workplace and will monitor whether this policy is being implemented effectively. If you have any questions about this policy statement, please contact _____ _____at xxx-xxxx.

Prevention

Overview

One major component of any workplace violence program is prevention. The topics in the previous chapters—program and policy development, union involvement, etc.—are important parts of a workplace violence program. This chapter will focus on **additional** measures that can be taken to reduce the risk of violent behavior.

Warning Signs of Violence

The first question many people ask when starting to develop a workplace violence prevention program is, *How can we identify potentially violent individuals?* It is understandable that people want to know this—and that "early warning signs" and "profiles" of potentially violent employees are in much of the literature on the subject of workplace violence. It would save time and solve problems if managers could figure out ahead of time what behaviors and personality traits are predictive of future violent actions.

Indicators of Potentially Violent Behavior

No one can predict human behavior and there is no specific "profile" of a potentially dangerous individual. However, indicators of increased risk of violent behavior are available. These indicators have been identified by the Federal Bureau of Investigation's National Center for the Analysis of Violent Crime, Profiling and Behavioral Assessment Unit in its analysis of past incidents of workplace violence. These are some of the indicators:

> Direct or veiled threats of harm;
>
> Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior;
>
> Numerous conflicts with supervisors and other employees;
>
> Bringing a weapon to the workplace, brandishing a weapon in the workplace, making inappropriate references to guns, or fascination with weapons;

Warning Signs of Violence (continued)

Statements showing fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides;

Statements indicating desperation (over family, financial, and other personal problems) to the point of contemplating suicide;

Drug/alcohol abuse; and

Extreme changes in behaviors.

Each of these behaviors is a clear sign that something is wrong. **None should be ignored.** By identifying the problem and dealing with it appropriately, managers may be able to prevent violence from happening. Agency planning groups should ensure that the appropriate staff member (or an incident response team) is prepared to assist supervisors and other employees in dealing with such situations. Some behaviors require immediate police or security involvement, others constitute actionable misconduct and require disciplinary action, and others indicate an immediate need for an Employee Assistance Program referral.

On the other hand, it is seldom (if ever) advisable to rely on "profiles," or what are inappropriately referred to as "early warning signs" of violence. These same warning signs could be (and usually are) warning signs of other problems. Profiles often describe "potentially violent persons" as loners, veterans, men in their forties, and so forth. This kind of categorization will not help you to predict violence, and it can lead to unfair and destructive stereotyping of employees.

The same can be said of reliance on descriptions of problem situations such as "in therapy," "has had a death in the family," "suffers from mental illness," or "facing a RIF (reduction in force)." Everyone experiences stress, loss, or illness at some point in life. All but a few people weather these storms without resorting to violence. Managers should, of course, be trained to deal with the kinds of problems mentioned here, such as bereavement or mental illness. However, this training should focus on supporting the employee in the workplace, and not in the context of, or on the potential for, workplace violence.

Training

Training is a critical component of any prevention strategy. Training is necessary for employees, supervisors, and the staff members of each office that may be involved in responding to an incident of workplace violence.

Training sessions conducted by the agency's Employee Assistance Program, Security, and Employee Relations staffs are particularly helpful, enabling employees to get to know experts within the agency who can help them when potentially violent situations arise. Employees and supervisors seek assistance at a much earlier stage when they personally know the agency officials who can help them. The following are types of training that have proved effective in preventing violence and other threatening behavior.

Employee training

All employees should know how to report incidents of violent, intimidating, threatening and other disruptive behavior. All employees should also be provided with phone numbers for quick reference during a crisis or an emergency. In addition, workplace violence prevention training for employees may also include topics such as:

> Explanation of the agency's workplace violence policy;
> Encouragement to report incidents;
> Ways of preventing or diffusing volatile situations or aggressive behavior;
> How to deal with hostile persons;
> Managing anger;
> Techniques and skills to resolve conflicts;
> Stress management, relaxation techniques, wellness training;
> Security procedures, e.g., the location and operation of safety devices such as alarm systems;
> Personal security measures; and
> Programs operating within the agency that can assist employees in resolving conflicts, e.g., the Employee Assistance Program, the ombudsman, and mediation.

The Occupational Safety and Health Administration (OSHA) recommends that employees in health care and social services organizations should receive formal instruction on the specific safety and security hazards associated with their particular job or facility. Detailed information is available in OSHA's *Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers* (see page 133 for website and ordering information).

Training (continued)

The National Institute for Occupational Safety and Health (NIOSH) also discusses the importance of training that is tailored to the specific risks in the employee's workplace. NIOSH's publication *Violence in the Workplace: Risk Factors and Prevention Strategies* discusses clearly identifiable workplace risk factors, such as dealing with the public, and that training will be more useful and credible when it addresses risk factors specific to job tasks or locations.

Supervisory training

In addition to the training suggested above, special attention should be paid to general supervisory training. The same approaches that create a healthy, productive workplace can also help prevent potentially violent situations. It is important that supervisory training include basic leadership skills such as setting clear standards, addressing employee problems promptly, and using the probationary period, performance counseling, discipline, and other management tools conscientiously. These interventions can keep difficult situations from turning into major problems. Supervisors don't need to be experts on violent behavior; what is needed is a willingness to seek advice from the experts.

Some agencies include training on workplace violence as part of general supervisory training, some conduct separate training sessions on workplace violence, and some include it in crisis management training. Whichever approach is taken, supervisory training should cover:

Ways to encourage employees to report incidents in which they feel threatened for **any** reason by **anyone** inside or outside the organization,

Skills in behaving compassionately and supportively towards employees who report incidents,

Skills in taking disciplinary actions,

Basic skills in handling crisis situations,

Basic emergency procedures, and

How to ensure the appropriate screening of pre-employment references has been done.

Training (continued)

Incident response team training

The members of the incident response team need to be competent in their own professions **and** they need to know when to call for outside resources. Participating in programs and training sessions sponsored by government and professional organizations, reading professional journals and other literature, and networking with others in the profession are all helpful in dealing with workplace violence situations.

Team members also need to understand enough about each other's professions to allow them to work together effectively. Response team training should allow discussion of policies, ethical constraints, technical vocabulary, and other considerations that each profession brings to the interdisciplinary group. Chapters 5 to 10 of this handbook are intended to introduce team members to key issues in professions other than their own.

Much of the incident response team training can be accomplished by practicing responses to different scenarios of workplace violence. The case studies in Chapter 11 are intended for this purpose. Practice exercises can help the staff understand each other's responses to various situations so that there is no confusion or misunderstandings during an actual incident. In addition, practice exercises can prepare the staff to conduct the supervisory training suggested above.

The team members also need to consult regularly with other personnel within the organization who may be involved in dealing with potentially violent situations. Those who are consulted on an *ad hoc* basis should receive appropriate training as well.

Pre-Employment Screening

Pre-employment screening is an important part of workplace violence prevention. Prior to hiring an employee, the agency should check with its servicing personnel office to determine what pre-employment screening techniques (such as interview questions, background and reference checks, and drug testing) are appropriate for the position under consideration and are consistent with Federal laws and regulations.

Security Measures

Maintaining a physically safe work place is part of any good prevention program. Agency facilities use a variety of security measures to help ensure safety. These include:

> Employee photo identification badges;

> On-site guard services and/or individually coded card keys for access to buildings and areas within buildings according to individual needs; and

> Guard force assistance in registering, badging and directing visitors in larger facilities.

Chapter 9 contains additional suggestions for preventive security measures and resources for obtaining additional information.

A Note on Weapons Prohibition

Possession or use of firearms and other dangerous weapons on a Federally owned or leased facility, including grounds, parking lots and buildings, is illegal. Federal law states in part:

> "Whoever knowingly possesses or causes to be present a firearm or other dangerous weapon in a Federal facility, or attempts to do so, shall be imprisoned not more than 1 year or fined in accordance with Title 18, or both." (Certain exceptions apply. See 18 USC Section 930(c).)

> "Whoever with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon, in a Federal facility, or attempts to do so, shall be imprisoned not more than five years, or fined in accordance with Title 18, or both."

It is important to post signs of the prohibition against weapons at the entrances to Federal buildings. Agency employees should be trained to report suspected violations immediately to a building security official, a supervisor, or other appropriate authority.

Using Alternative Dispute Resolution (ADR) as a Preventive Strategy

Some agencies use ombudsman programs, facilitation, mediation, and other methods of alternative dispute resolution (ADR) as preventive strategies in their workplace violence programs. ADR approaches often involve a neutral third party who can assist disputing parties resolve disagreements. ADR is most helpful in workplace violence programs at the point when a problem first surfaces, i.e., before an employee's conduct rises to a level that warrants a disciplinary action.

The following is a short description of some ADR techniques that agencies have found useful in dealing with potential workplace violence problems at the very earliest stages.

Ombudsmen

Ombudsmen are individuals who rely on a number of techniques to resolve workplace disputes. These techniques include counseling, mediating, conciliating, and fact-finding. Usually, when an ombudsman receives a complaint, he or she interviews the parties, reviews available information and policies, and offers options to the disputants. Typically, ombudsmen do not impose solutions. The power of the ombudsman lies in his or her problem-solving ability. Generally, an individual not accepting an option offered by the ombudsman is free to pursue a remedy using another forum for dispute resolution.

Facilitation

Facilitation techniques improve the flow of information in a meeting between parties to a dispute. These techniques may also be applied to decision-making meetings where a specific outcome is desired, e.g., resolution of a conflict or dispute.

The term "facilitator" is often used interchangeably with the term "mediator," but a facilitator does not typically become as involved in the substantive issues as does a mediator. The facilitator focuses more on the **process** involved in resolving a matter. Facilitation is most appropriate when:

> The intensity of the parties' emotions about the issues in dispute are low to moderate,

> The parties or issues are not extremely polarized,

> The parties have enough trust in each other that they can work together to develop a mutually acceptable solution, or

> The parties are in a common predicament and they need or will benefit from a jointly acceptable outcome.

Using ADR as a Preventive Strategy (continued)

Mediation

Mediation uses an impartial and neutral third party who has no decision-making authority. The objective of this intervention is to assist the parties to voluntarily reach an acceptable resolution of issues in dispute. Mediation is useful in highly polarized disputes where the parties have either been unable to initiate a productive dialogue, or in cases where the parties have been talking and have reached a seemingly insurmountable impasse.

A mediator, like a facilitator, makes primarily procedural suggestions regarding how parties can reach agreement. Occasionally, a mediator may suggest some substantive options as a means of encouraging the parties to expand the range of possible resolutions under consideration. A mediator often works with the parties individually to explore acceptable resolution options or to develop proposals that might move the parties closer to resolution.

Interest-Based Problem-Solving

Interest-Based Problem-Solving is a technique that creates effective solutions while improving the relationship between the parties. The process does the following:

> Separates the person from the problem,
> Explores all interests to define issues clearly,
> Brainstorms possibilities and opportunities, and
> Uses some mutually agreed upon standard to reach a solution.

Interest-based problem-solving is often used in collective bargaining between labor and management in place of traditional, position-based bargaining. However, as a technique, it can be effectively applied in many contexts where two or more parties are seeking to reach agreement.

Peer Review

Peer Review is a problem-solving process in which an employee takes a dispute to a panel of fellow employees and managers for a decision. The decision may or may not be binding on the employee and/or the employer, depending on the conditions of the particular process. If it is not binding on the employee, he or she would be able to seek relief in traditional forums for dispute resolution if dissatisfied with the decision under peer review. The principal objective of the method is to resolve disputes early before they become formal complaints or grievances.

Using ADR as a Preventive Strategy (continued)

For a resource about these and other ADR techniques, see page 131 of Chapter 12.

Fact Finding/ Investigating

The information in this chapter provides guidance for the agency planning group. It is not technical information for professional investigators. Nor is it a summary of fact-finding or investigating procedures. Rather, it is intended to provide the agency planning group with a general overview of fact-finding/investigating considerations. It is also important to note that this chapter discusses investigations that are administrative inquiries as distinct from criminal investigations. The information provided does not necessarily apply in situations where criminal investigators will be involved.

Introduction

I can't work here anymore. I'm afraid he may actually kill one of us.

The supervisor hears the details of the incident that is causing the employee to feel threatened. Now the supervisor has to do something. The incident can't be ignored. It must be reported. Once reported, the members of the incident response team (along with the supervisor) have to look into it.

What you need to know

As in all other serious administrative matters that come to the agency's attention, before you do anything impulsive, you probably want to learn more about what is going on in this situation. You want to know:

> **What** happened?
> **Who** was involved?
> **Where** it happened?
> **When** it happened?
> **Why** it happened?
> **How** it happened?

What to do next

Sometimes taking a few minutes for a cursory overview will give you enough information to know what to do next. If there is imminent danger, law enforcement will be notified immediately.

Introduction (continued)

However, if there is no imminent danger, deciding what to do next will depend on agency procedures and the strategy/relationship you have worked out ahead of time with your agency's law enforcement organization (or Federal Protective Service or local police) and your agency's Office of Inspector General. In most Federal agencies, law enforcement, the Office of Inspector General, or the Office of General Counsel are notified immediately when certain types of reports are made. They advise team members (or agency officials) on how to proceed with the investigation of the case.

Types of Investigations

Often, one of the first decisions to be made is whether to conduct an administrative or a criminal investigation. The answer will depend on whether the facts as presented indicate possible criminal behavior. Since arriving at a decision generally involves discussion with the agency's law enforcement personnel (or local police), Office of Inspector General, Office of General Counsel, and employee relations specialists, it is imperative to coordinate efforts fully with both your criminal investigators and Office of Inspector General ahead of time. (For further discussion about establishing liaison with law enforcement, see page 64 in Chapter 9.) Also, as discussed below, an important point of these discussions is to ensure that actions taken by an agency during an administrative investigation do not impede potential criminal prosecutions.

Administrative Investigations

If a decision is made to conduct an administrative investigation, it is important to use a qualified and experienced professional workplace violence investigator. The agency planning group should locate one or more such investigators before the need for an investigator arises. Your agency probably already has qualified administrative investigators, for example, in the Office of Inspector General. Some other good places to look in your own agency are Employee Relations, Office of Equal Employment Opportunity, or Security. In some agencies, these offices have their own investigators. In others, they contract with private investigators, or utilize the services of

Administrative Investigations (continued)

investigators from other government agencies. In any case, they should be able to help you locate trained, qualified administrative investigators ahead of time.

It is important to use an investigator who conveys fairness and objectivity during the investigation. The investigation should be conducive to developing truthful responses to issues that may surface. It must be conducted with full appreciation for the legal and ethical considerations that protect individual privacy. It is imperative that an atmosphere of candor and propriety be maintained.

Ensure that criminal prosecutions are not compromised

Criminal prosecutions must not be compromised by actions taken during administrative investigations. It is necessary to ensure that the administrative investigator, management, and all members of an incident response team understand that actions taken during an administrative investigation can compromise potential criminal prosecutions. If the agency obtains statements from the subject of the investigation in the wrong way, the statements can impede or even destroy the ability to criminally prosecute the case. On the other hand, if handled correctly, statements made in administrative investigations can prove vital in subsequent criminal proceedings.

Therefore, in a case where a decision is made to conduct an administrative investigation, and there is potential criminal liability, the **subject** of the investigation should be given what are usually called "non-custodial warnings and assurances" or "non-custodial Miranda rights." That is, the person is given the **option** of participating in the interview after being warned that any statements he or she makes may be used against him or her in criminal proceedings.

Unlike "true" Miranda rights, the person is not in custody, and thus not entitled to an attorney.

If a decision is made to **compel** the subject of an investigation to participate in an interview (instead of being given an option to participate), the investigator should give *Kalkines[1]* rights. This means that the person is told that statements he or she makes cannot be used against him or her in criminal proceedings.

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[1] Derived from *Kalkines v United States,* 473 F.2d 1391, 200 Ct.C1 570 (1973)

Administrative Investigations (continued)

Even if an investigator does not actually give *Kalkines* rights, if the investigator compels the subject to give a statement, the information in the statement (**and the information gained as a result of the statement**) cannot be used in criminal proceedings.

Since this may make criminal prosecution impossible, an investigator should never give *Kalkines* rights or compel statements from the subject of an investigation without the permission of the appropriate U.S. Attorney's or prosecutor's office. Such permission is usually obtained by the agency's Office of Inspector General. Since this is an extremely complicated consideration, be sure to work closely with your Office of Inspector General, law enforcement organization, or Office of General Counsel. In potentially violent situations, it is often difficult to determine whether the misconduct is a criminal offense. When there is any doubt, check it out.

Preparation and Procedures in Administrative Investigations

The information that follows provides guidance for the agency planning group. It is not technical information for professional administrative investigators. Nor is it a summary of fact-finding or investigating procedures. Rather, it is intended to provide the agency planning group with a general overview of fact-finding/investigating considerations.

It is also important to note that this chapter discusses investigations that are administrative inquiries as distinct from criminal investigations.

A thorough and professional investigative product is the result of thorough, professional preparation and procedures. Personally obtaining information from individuals will constitute a significant part of any investigation. An awareness of the skills and techniques necessary for effective interviewing is required.

In preparing for and conducting investigations, experienced professional administrative investigators have found the following approaches to be effective.

Preparation and Procedures in Administrative Investigations (continued)

Reviewing available information

The investigator, after thoroughly reviewing the information that gave rise to the investigation, is probably ready to begin the investigation process. Discrepancies or deficiencies in the information should be noted so they can be addressed during the interviews.

Selecting an interview site

Since the investigator is conducting an official investigation, he or she should conduct as many interviews as possible in an official environment, i.e., in government work space (instead of restaurants, cars, or private homes). Privacy is the most important consideration in selection of an interview site. The investigator should guarantee that the room will be available for the entire interview, so that there is no disruption of the interview once it begins. The interview room should be comfortably furnished with as few distractions as possible.

Scheduling the interview

Depending on the circumstances of the situation, the investigator may or may not want to contact the individual in advance. In either event, the investigator should advise the individual of the general nature and purpose of the interview. If the individual declines the interview, the investigator should attempt to dissuade the individual and, if unsuccessful, ascertain and record the reasons for the declination. If the individual fails to appear more than once for the interview, the investigator should follow whatever policy has been decided upon by the agency ahead of time.

Allowing the presence of additional persons

There may be instances when the investigator or the individual being interviewed wishes to have an additional person present. In cases involving bargaining unit employees, see the discussion in the next section. Investigators sometimes prefer to have an agency representative present when interviewing the subject of the investigation. In any event, the investigator should follow whatever policy has been decided upon by the agency ahead of time.

Preparation and Procedures in Administrative Investigations (continued)

Adhering to the law regarding bargaining unit employees

5 USC 7114 (a)(2)(B), commonly known as "Weingarten" rights, covers any examination of a bargaining unit employee by a representative of the agency in connection with an investigation. If a bargaining unit employee reasonably believes that an investigation may result in disciplinary action, he or she may request union representation, and the agency has three options:

(1)   Immediately terminate the interview,

(2)   Continue the interview with the employee's representative present, or

(3)   Give the employee the option of proceeding with the interview without a representative or terminating the interview and waiving any benefits (such as allowing the agency to hear his or her side of the story) that the interview may have given him or her.

Since interpretation of this law is very complex, consult with your labor relations specialists or Office of General Counsel when faced with such situations. The law is unsettled as to whether Inspector General investigations are subject to 5 USC 7114 (a)(2)(B).

Taking notes

Since watching an investigator take notes can be intimidating to some people, it is important to establish rapport before beginning to take notes. The investigator should concentrate on observing the individual during the interview. Note-taking should not unduly interfere with observation. Note-taking materials should be positioned inconspicuously and not become a focus of attention. The investigator should learn and exercise the skill of taking adequate notes while still

Preparation and Procedures in Administrative Investigations (continued)

observing the individual and without distracting the person being interviewed. In some cases, it may even be useful to have a second investigator or other official present to take notes.

Should note-taking have a materially adverse effect on the interview process, the investigator may explain the purpose of note-taking. The notes are intended for the investigator's use in preparing a report and are not a verbatim transcript of the interview. The investigator can modify or cease note-taking so long as the information can be recorded in adequate detail after the interview.

Maintaining control of the interview

Questions developed ahead of time can be memorized, but they should never be read verbatim from a list or recited in a perfunctory manner. The investigator should know in advance the topics of concern to be covered. The investigator should maintain a singleness of purpose during the interview. The investigator should resist any efforts to shorten the interview or drift from topics of concern.

Developing rapport

The investigator should have a comfortable style that projects sincerity and competence. The investigator's style should generate rapport with the person being interviewed. An open approach that conveys a willingness to communicate usually fosters rapport. Rapport is evident when the individual appears comfortable with the investigator and is willing to confide personally sensitive information. Continuing rapport can be maintained if the investigator does not become judgmental when disagreeable conduct or information is disclosed. The investigator who can project empathy when appropriate to do so often gains special insight but, at the same time, no investigator should get personally involved with the information being presented.

Handling hostility

If the investigator feels threatened by the individual being interviewed, the investigator should stop the interview and report the situation to the appropriate authorities.

Investigators may encounter argumentative individuals. When this type of hostility is encountered, the investigator can usually defuse it by explaining the purpose of the interview and that the interview is a required part of the investigation. Reminding the interviewee that the investigator has full authority to conduct the interview and that the interviewee is required to cooperate may lessen the reluctance. **[See, however, the discussion on page 27 regarding warnings that must be given when requiring the subject of an investigation to cooperate.]**

Preparation and Procedures in Administrative Investigations (continued)

Recognizing and acknowledging the person's hostility and the reason for it will sometimes let both parties reach the mutual understanding that the interview will proceed (whether or not the topics under discussion are related to the hostility).

If, after repeated attempts in various ways, an individual refuses to answer a specific question, the investigator should attempt to learn the reason. The investigator should record the refusal to answer any question and the reason. If the individual wants to terminate the interview, the investigator should attempt to learn the reason and to dissuade the individual by addressing the concerns. If the individual persists, the investigator should conclude the interview.

Interview Techniques

This section contains questioning, listening and observing techniques and suggestions.

Questioning techniques

Questioning usually proceeds from general areas to specific issues. For example, comments on the dates and location of the incident are usually obtained before comments on the circumstances surrounding the event.

The investigator should usually frame questions that require a narrative answer. Soliciting "Yes" or "No" responses restricts the individual from providing information. Such responses are acceptable when summarizing or verifying information, but they should not be elicited when seeking new information.

The investigator should use questioning techniques that result in the most productive responses from the person being investigated. This requires the investigator to exercise judgment based on observation of attitude, demeanor, and actions during the interview. These may change at times during the interview. The investigator should be continuously alert to such changes and should modify questioning techniques accordingly.

Non-confrontational approach. The non-confrontational approach is best. Here are some examples of the non-confrontational approach.

> If a person refuses to answer follow-up questions about an issue, the investigator notes the refusal to answer and moves on to the next area of questioning. However, the investigator then comes back to the issue later.

Interview Techniques (continued)

If the person raises his or her voice in the interview, the investigator maintains a calm, level voice, or lowers his or her voice.

Direct and non-direct questions. A direct question calls for a factual or precise answer. *Direct* questions are ordinarily used when covering background data.

Here are some examples of direct questions.

> *Who told you that he made a threat?*
> *When did you notice that he had a gun?*
> *What were the circumstances surrounding the argument?*

Non-direct questions are usually more appropriate in discussing opinions and feelings because they allow more latitude in responding.

Here are some examples of non-direct questions.

> *What led you to say that?*
> *What made that unusual?*
> *Has this happened before to anyone?*
> *What was your reaction when he yelled at you?*

Assumptive questions. Assumptive questions assume involvement in the activity under discussion. The investigator can use assumptive questions when involvement is admitted, either earlier or in the interview in response to general questions. Assumptive questions allow the investigator to assist the individual in describing the degree of involvement, particularly when it is difficult to respond narratively. The investigator puts the individual at ease when using assumptive questions by demonstrating that the conduct is not shocking.

Here are some examples of assumptive questions.

> *Have you made similar statements to others?*
> *Is it fairly routine for you to carry a knife to work?*

Summarizing questions. Summarizing questions are used to verify what has been said in summary form. The investigator uses summarizing questions to give the individual an opportunity to hear what the investigator understood. In concluding each segment of the interview, the investigator should pause after asking a summarizing

Interview Techniques (continued)

question to allow the individual to respond and verify, correct, disagree with, or amplify a previous response.

Here are some examples of summarizing questions.

> *In other words, it was not what he said, but the tone of his voice, that scared you?*
> *You're telling me that you were only joking when you said you'd blow up the place?*
> *Have I got this straight? You did not think he would actually carry out his threat?*

Listening techniques

Investigators should not be intent on listening for the end of an answer only so that they can get to the next question. The meaning and sense of the answers will be ignored and lost. Careful attention to each response is what provides the basis for the next appropriate question, not a checklist of questions.

The person being interviewed may be signaling a problem with the area under discussion by not immediately responding to a question. The investigator should be patient and let the person respond. The urge to complete a statement for the person with an assumption of what the person was going to say should be suppressed.

Listen to the whole response for its substance, inferences, suggestions, or implications that there is more to be said, or some qualification to the answer. Answers that are really non-answers, such as *that's about right*, or *you know how it is*, are unacceptable because they are not definitive. Do not accept this type of response. Press for more specificity. Some people will attempt to avoid responding by blaming a faulty memory. Follow-up questions that can stimulate responses are, *Do you mean you're just not sure?* and, *But you remember* **SOMETHING** *about it, don't you?*

Investigators should both listen and think intensely throughout the interview, measuring what is being said with what is known from a review of what is already known. Compare new information to other statements made in the interview, and any other information in the investigator's possession. However, always bear in mind restrictions regarding divulging information and confrontation. Of course, interviewees can be challenged when they give contradictory or patently absurd answers.

Interview Techniques (continued)

Observing techniques

Questioning and listening are not the only communicative aspects of the interview. Actions may strengthen the credibility of the spoken word or contradict it. Body movement, gestures, and other observable manifestations provide clues to truth and deception. The investigator should be alert to behavior changes throughout the interview and assess the significance of those changes. While no single behavior indicates truth or deception, clusters of behavior patterns may be valuable clues to the truth of what is being said. These patterns should prompt the investigator to pursue a certain or broader line of questioning.

Other Considerations for the Agency's Planning Group

Here are other fact finding/investigating issues that the agency's planning group should address:

1. Agency policy should be formulated ahead of time regarding such matters as no-shows, whether to allow tape recording of the interviews, and whether to allow the presence of additional persons during the interviews.

2. Keep in mind that the routine, administrative details can't be ignored. Prior to beginning the actual investigation, the investigator should be given all administrative details, e.g., who gets the report and whom to contact regarding other administrative matters such as pay, parking, and overtime.

3. Consider giving the investigator the list of factors the Merit Systems Protection Board will consider in making credibility determinations if the investigation leads to a case before the Board[2]. They are:

    (1) The witness' opportunity and capacity to observe the event or act in question;
    (2) The witness' character;
    (3) Any prior inconsistent statement by the witness;
    (4) A witness' bias, or lack of bias;

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[2] See *Hillen v. Army*, 35 MSPR 453 (1987)

Other Considerations for the Agency's Planning Group (continued)

(5) The contradiction of the witness' version of events by other evidence or its consistency with other evidence;

(6) The inherent improbability of the witness' version of events; and

(7) The witness' demeanor.

4. Every step of the investigation must be objective, impartial, and unbiased.

5. The investigative report will contain:

   Statements of witnesses
   Documentary evidence

   The investigative report generally does not include an *analysis* of the report.

6. Both the investigator and the person who prepares the analysis of the report should be fair and objective.

7. Consider developing a letter signed by the agency head or high-level designated official authorizing the investigation and requiring employees to cooperate. (See, however, the information on pages 27 and 28 regarding warnings to the subjects of administrative investigations when it is necessary to require cooperation.)

8. Ensure that all appropriate agency personnel are aware of the requirements discussed on pages 27 and 28 regarding warnings when compelling statements from the subject of an administrative investigation.

Threat Assessment

Introduction

Threatened employees want to know what the agency is doing to protect them and what measures they should take to protect themselves. Since it is impossible to know with any certainty whether a threat is going to be carried out, the agency should always treat threats in a serious manner and act as though the person may carry out the threat.

This chapter will provide a basic understanding of the threat assessment process. It gives background information for the non-specialist, **not instructions on threat assessment techniques**.

Threat assessment assistance

As the case studies in Chapter 11 illustrate, many cases involving threatening behavior can be handled expeditiously and effectively by a supervisor with the assistance of one or more members of the agency's incident response team. The security or law enforcement representative on the agency's team will ordinarily assess risks, often in consultation with the Employee Assistance Program and Employee Relations staff, and make recommendations for appropriate strategies and security measures to protect employees. However, it may be helpful for the agency's planning group to identify experts in threat assessment ahead of time, in case a situation requires more expertise than team members can provide.

Gathering information

It is also a good idea to work out ahead of time who will gather which types of information on an individual who makes a threat. Multiple sources of information need to be consulted to better understand the person's behavior.

In some cases, the agency's incident response team can collect current and reliable information (which would include an investigative report) and then consult with a threat assessment professional to develop options for managing the situation. In other cases, the agency's incident response team uses a threat assessment professional to conduct

Introduction (continued)

the initial investigation, assess the risks, and make recommendations for managing the situation.

Threat assessment investigations differ from criminal or administrative investigations in that the purpose of the threat assessment investigation is to provide guidance on managing the situation in a way that protects the employees.

Threat Assessment Resources

Threat assessment is an evolving technical field. It is important to find a qualified professional to assist you if the need arises. Several Federal agencies have experienced threat assessment professionals within their organizations; some have threat management units within their criminal investigative services. If your agency does not have access to such professionals, law enforcement agencies (such as the Federal Protective Service, Federal Bureau of Investigation, and state and local police) may be able to assist you in identifying experts in threat assessment.

If your agency uses a threat assessment professional who is outside the organization, you should ensure that the individual is aware of all relevant Federal laws and regulations. For example, as explained in Chapter 7 on page 53, Federal regulations in 5 CFR Part 339 prohibit ordering a psychological examination under most circumstances and the threat assessment professional thus needs to understand the limits of the inquiry. Another example is the Privacy Act provisions of 5 USC 552a which include obligations for guarding personal data.

The remainder of this chapter consists of excerpts from a research brief on the topic of threat assessment issued by the U.S. Department of Justice's National Institute of Justice. Entitled *Threat Assessment: An Approach To Prevent Targeted Violence,* written by Robert A. Fein, Ph.D., Bryan Vossekuil, and Gwen A. Holden, it explains the functions of a threat assessment program, including the investigation, risk assessment, and case management components.

This research brief can be especially helpful for an agency's planning group to gain an understanding of the process of conducting threat assessments so that group members can better identify experts in threat assessment before they are actually needed and learn how they can coordinate efforts with them when the need arises.

Excerpts From:

Threat Assessment: An Approach To Prevent Targeted Violence[3]

by Robert A. Fein, Ph.D., Bryan Vossekuil, and Gwen A. Holden[4]

Traditional law enforcement activities aim at apprehending and prosecuting perpetrators of violence after the commission of their crimes. In most circumstances, the primary responsibility of law enforcement professionals is to determine whether a crime has been committed, conduct an investigation to identify and apprehend the perpetrator, and gather evidence to assist prosecutors in a criminal trial. However, when police officers are presented with information about a possible future violent crime, their responsibilities, authority, and investigative tools and approaches are less clear. "Threat assessment" is the term used to describe the set of investigative and operational techniques that can be used by law enforcement professionals to identify, assess, and manage the risks of targeted violence and its potential perpetrators.

Individuals utter threats for many reasons, only some of which involve intention or capacity to commit a violent act. However, a person can present a grave threat without articulating it. The distinction between making and posing a threat is important.

> Some persons who make threats ultimately pose threats.
> Many persons who make threats do not pose threats.
> Some persons who pose threats never make threats.

Postponing action until a threat has been made can detract attention from investigation of factors more relevant to the risk of violence.

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[3] Series: NIJ Research in Action, Published: September 1995, NCJ 155000. Disclaimer: Points of view in this document are those of the authors and do not necessarily reflect the official position of the U.S. Department of Justice.

[4] About the authors: Robert A. Fein, Ph.D., a Visiting Fellow at the National Institute of Justice, is a Consultant Psychologist for the U.S. Secret Service; Bryan Vossekuil is Assistant Special Agent in Charge, Intelligence Division, U.S. Secret Service; and Gwen A. Holden serves as Executive Vice President of the National Criminal Justice Association.

Threat Assessment

Data from two recent studies suggest that at least some approachers—and attackers—of public officials/figures show an interest in more than one target.[5] U.S. Secret Service experience indicates that a number of would-be Presidential assassins, such as Arthur Bremer and John Hinckley, considered several targets, and changed targets, before finally making an attack. Data on relationship stalking murders and workplace violence murders point to suicide, as well as homicide, as a possible outcome.[6] These examples suggest that, in some cases, the perpetrator may ultimately become his or her own final target.

The threat of sanctions, such as a long prison sentence, may not deter a person who desperately desires revenge or is prepared to die to achieve his objective. Passage of enforceable laws that define and prohibit behaviors that could presage violent attacks is one important step in preventing such attacks. Forty-nine States have passed anti-stalking laws in the past 4 years, and the National Institute of Justice, together with the National Criminal Justice Association, published a model anti-stalking law.[7] Additionally, authorities in some jurisdictions are reviewing various threat and harassment laws to determine whether they might apply to threat-of-violence situations. However, laws by themselves are unlikely to prevent stalking, workplace, or public figure-centered violence, unless law enforcement and security professionals know how to identify, evaluate, and manage persons at risk of committing these violent acts.

[5] Dietz, P.E. and D.A. Martell, *Mentally Disordered Offenders in Pursuit of Celebrities and Politicians*, National Institute of Justice, Washington, D.C., 1989, 83-NI-AX-0005; Dietz, P.E., D.B. Matthews, D.A. Martell, T.M. Stewart, D.R. Hrouda and J. Warren, *Threatening and Otherwise Inappropriate Letters to Members of the United States Congress*, Journal of Forensic Sciences, 36 (September 5, 1991):1445-1468; Dietz, P.E., D.B. Matthews, C. Van Duyne, D.A. Martell, C.D.H. Parry, T.M. Stewart, J. Warren and J.D. Crowder, *Threatening and Otherwise Inappropriate Letters to Hollywood Celebrities*, Journal of Forensic Sciences, 36 (January 1, 1991):185-209; and Fein, R.A. and B. Vossekuil, *The Secret Service Exceptional Case Study Project: An Examination of Violence Against Public Officials and Public Figures*, National Institute of Justice, study in progress, 92-CX-0013.

[6] For example, both Thomas McIlvane, in the Royal Oak, Michigan post office attack, and Alan Winterbourne, in the Oxnard, California unemployment office attack, killed themselves.

[7] National Criminal Justice Association, Project to Develop a Model Anti-Stalking Code for States, National Institute of Justice, Washington, D.C., 1993.

Fundamental Principles of Threat Assessment

Notwithstanding the growing importance of threat assessment for law enforcement and security professionals, systematic thinking and guidance in this area have been lacking in many organizations. Some law enforcement and security communities currently do not have clearly articulated processes or procedures to steer their actions when they are made aware of threat-of-violence subjects and situations. Without guidelines for making threat assessments, otherwise competent law enforcement professionals may be less thoughtful and thorough than they might be in handling such incidents. To fill the void, this report presents four fundamental principles that underlie threat assessment investigation and management. They are followed by a model and process for conducting comprehensive threat assessment investigations.

(1) Violence is a process, as well as an act. Violent behavior does not occur in a vacuum. Careful analysis of violent incidents shows that violent acts often are the culmination of long-developing, identifiable trails of problems, conflicts, disputes, and failures.

(2) Violence is the product of an interaction among three factors: The individual who takes violent action; stimulus or triggering conditions that lead the subject to see violence as an option, "way out," or solution to problems or life situation; and a setting that facilitates or permits the violence, or at least does not stop it from occurring.

(3) A key to investigation and resolution of threat assessment cases is identification of the subject's "attack-related" behaviors. Perpetrators of targeted acts of violence engage in discrete behaviors that precede and are linked to their attacks; they consider, plan, and prepare before engaging in violent actions.

(4) Threatening situations are more likely to be successfully investigated and managed if other agencies and systems—both within and outside law enforcement or security organizations—are recognized and used to help solve problems presented by a given case. Examples of such systems are those employed by prosecutors; courts; probation, corrections, social service, and mental health agencies; employee assistance programs; victim's assistance programs; and community groups.

Functions of a Threat Assessment Program

The three major functions of a threat assessment program are: identification of a potential perpetrator, assessment of the risks of violence posed by a given perpetrator at a given time, and management of both the subject and the risks that he or she presents to a given target.

Identifying the Perpetrator

The process of identifying a potential perpetrator involves: (1) defining criteria that could lead to a person becoming a subject of a threat assessment investigation; (2) determining the areas within the law enforcement or security organization that will be responsible for receiving information about possible subjects and conducting threat assessment investigations; (3) notifying those individuals and organizations that might come in contact with—or know of—potential subjects about the existence of a threat assessment program; and (4) educating notified individuals and organizations about the criteria for bringing a concern about potential violence to the attention of investigators.

Assessing the Risks

The second goal of a threat assessment program is to evaluate the risks persons under suspicion may pose to particular targets. Risk assessment involves two primary functions: investigation and evaluation.

Investigation

The primary objective of a risk assessment investigation is to gather information on a subject and on potential targets. Multiple sources of information should be consulted to learn about a subject's behavior, interests, and state of mind at various points in time.

Personal interviews with the subject.

Material created or possessed by the subject, including journals and letters, and materials collected by the subject, such as books and magazines, that may relate to the investigation.

Persons who know or have known the subject, including family members, friends, coworkers, supervisors, neighbors, landlords, law enforcement officers, social service or mental health staff, and previous victims of unacceptable behavior (including violence) committed by the subject.

Assessing the Risks (continued)

Record or archival information, including police, court, probation, and correctional records; mental health and social service records; and notes made by those aware of the subject's interest in a particular target, such as security personnel, managers, victims, or colleagues.

Information about the subject

At the beginning of a threat assessment investigation, it is important to secure detailed descriptions of the subject's behaviors and actions that prompted other persons to notice the subject. The kinds of information useful for threat assessment include data about overwhelmingly or unbearably stressful experiences and the subject's ability to cope at such times. Behavioral data about the subject's motives, intentions, and capacities is critical; of particular importance is information about attack-related behaviors:

> The subject has expressed interest in possible targets, including particular, identifiable targets.
>
> The subject has communicated with or about potential targets.
>
> The subject has considered and/or attempted to harm self or others.
>
> The subject has secured or practiced with weapons.
>
> The subject has followed or approached potential targets, either with or without weapons, at events or occasions.

Interviewing the subject

Whether to interview the subject of a threat assessment investigation can be a key question; the decision depends on several factors:

> The investigator's need for information.
> The facts leading to initiation of investigation.
> The investigator's legal standing in relation to the subject.
> The resources available to the investigator.
> The investigator's training and experience in interviewing.
> The stage of the investigation.
> The investigator's strategy for resolving the case.

A decision to interview a subject should be made on the basis of case facts. Generally, when there has been face-to-face contact between subject and target or the subject has communicated a threat to the target, an interview is a good idea. An interview under such

Assessing the Risks (continued)

circumstances may have several goals. It may signal that the subject's behavior has been noticed, permit the subject's story to be related to a third party, gather information that is the basis for corroboration, and provide an opportunity for communicating that the subject's behavior is unwelcome, unacceptable, and must cease.

Any interview is a vehicle for gathering information about the subject that can be used to assess the threat that a subject poses and to manage that threat. Therefore, threat assessment interviews are most productive if they are conducted respectfully and professionally. The task of the investigator is twofold: To gather information about the subject's thinking, behavior patterns, and activities regarding the target(s) and to encourage change in the subject's behavior. By showing an interest in the subject's life that is neither unduly friendly nor harsh, an investigator can increase the likelihood of the interview's success.

In some cases, however, an interview may intensify the subject's interest in the target or increase the risk of lethal behavior. For example, a desperate and suicidal subject, self-perceived as having been abandoned, who has been stalking a former partner, may sense that time is running out and be prompted by an interview to engage in more extreme behavior before "they put me away." In such a circumstance, the investigator may need to expend additional resources, perhaps increasing security for the target, arranging hospitalization or arrest of the subject, or monitoring or surveilling the subject. Subject interviews, therefore, should be considered and conducted within the context of overall investigative strategy.

Information about the target

A man who, over days and weeks, has been following a secretary whom he met once, but with whom he has no relationship, appears to have picked out a potential target. An employee, fired by a manager whom he blames for discriminating against him and causing the breakup of his family, has told former coworkers that he will "get even"; once again, a potential target appears to have been selected. To prevent violence, the threat assessment investigator requires information on the targeted individual. Relevant questions about the target might include the following:

> Are potential targets identifiable, or does it appear that the subject, if considering violence, has not yet selected targets for possible attack?

Assessing the Risks (continued)

Is the potential target well known to the subject? Is the subject acquainted with a targeted individual's work and personal lifestyle, patterns of living, daily comings and goings?

Is the potential target vulnerable to an attack? Does the targeted individual have the resources to arrange for physical security? What might change in the target's lifestyle or living arrangements that could make attack by the subject more difficult or less likely, e.g., is the targeted individual planning to move, spend more time at home, or take a new job?

Is the target afraid of the subject? Is the targeted individual's degree of fear shared by family, friends, and/or colleagues?

How sophisticated or naive is the targeted individual about the need for caution? How able is the individual to communicate a clear and consistent *I want no contact with you* message to the subject?

Evaluation

A 2-stage process is suggested to evaluate information gathered about the subject and the potential target(s). In the first stage, information is evaluated for evidence of conditions and behaviors that would be consistent with an attack. The second stage of evaluation seeks to determine whether the subject appears to be moving toward or away from an attack. After analyzing the available data, the threat assessor is left with these questions:

Does it appear more or less likely that violent action will be directed by the subject against the target(s)? What specific information and reasoning lead to this conclusion?

How close is the subject to attempting an attack? What thresholds, if any, have been crossed (e.g., has the subject violated court orders, made a will, given away personal items, expressed willingness to die or to be incarcerated)?

What might change in the subject's life to increase or decrease the risk of violence? What might change in the target's situation to increase or decrease the risk of violence?

Case Management

The first component of threat assessment case management involves developing a plan that moves the subject away from regarding violence against the target as a viable option. Such a plan is likely to draw on resources from systems within the threat assessment unit's parent organization, as well as those outside it. The second component is plan implementation. The best developed and supported case management plan will be of little use in preventing violence if the plan is not implemented and monitored. The plan must remain flexible to accommodate changes in the subject's life and circumstances. The final management component is formal closing of the case.

Case management development

Once an evaluator determines that a given subject presents a risk of violence to a targeted individual, the next task is to develop a plan to manage the subject and the risk. The evaluator then proceeds to identify those internal and external systems that may be helpful in managing the problems presented by the subject. In certain situations, such as those in which the subject has been stalking an identifiable target in a jurisdiction that has an enforceable and effective anti-stalking law, the best way to prevent violence and minimize harm to the targeted individual may be to prosecute the case vigorously.

A good relationship between threat assessment investigators and prosecutors can influence the priority assigned to the case and the extent to which prosecutorial and judicial processes facilitate its resolution. Such relationships also may affect the court's disposition of the case, including sentencing of a convicted offender.

Even conviction and imprisonment, however, do not guarantee that the target will be safe from the subject. If the subject has been unable or unwilling to let go of the idea of a relationship with the target, or if the subject attributes the pains and misfortunes of his or her life to the targeted individual, it may make sense to consider strategies by which the subject is encouraged to change the direction, or intensity, of his interest. A subject engaged in activities that bring success and satisfaction is less likely to remain preoccupied with a failed relationship. Family, friends, neighbors, or associates may play a role in suggesting and supporting changes in the subject's thinking and behavior. In addition, mental health and social service staff may be of great assistance in aiding the subject to formulate more appropriate goals and develop skills and strengths that are likely to result in life successes.

Case Management (continued)

At least one aspect of a case management plan concerns the target. If the subject is to be prohibited from contact with the target, the target needs to understand what to do (i.e., whom to call and how to contact the official handling the case) if the subject initiates direct or indirect contact.

Case management implementation

The most carefully crafted plan will have little effect if it remains in the investigator's files and is not translated into action. Although no procedures or techniques can guarantee that a subject of comprehensive threat assessment will not attempt violent action toward a target, two activities are known to help reduce the risk of violence, and, in the instance of a bad outcome, assist the threat assessment team in any post-incident review.

First, documentation of data and reasoning at every stage of a threat assessment investigation is essential. Undocumented or poorly documented information-gathering and analysis are suspect in and of themselves, and they provide little foundation for review or for efforts to learn from—and improve on—experience. Without clear documentation, investigators are left with only their recollections, which can be both partial and faulty and are subject to criticism as retrospective reconstruction. A carefully and comprehensively documented record may be criticized for imperfect data-gathering or flawed analysis, but such a record also demonstrates both thoughtfulness and good faith—critical questions in any post-incident review.

Second, consultation at every major stage of the threat assessment process can be a significant case management tool. Consultants may be members of the threat assessment unit or external experts. To be effective, a consultant should be knowledgeable in areas relevant to the case and be known and trusted by the investigators. For example, in a case where a subject has a history of diagnosed mental disorders and the primary investigator is unfamiliar with mental health language and concepts used in the records, an expert in psychology or psychiatry can provide invaluable insight and advice.

In addition to providing special expertise, consultants may notice and ask about questions in a case that remain to be explored or answered. Even proficient investigators are occasionally vulnerable to "missing the forest for the trees." A consultant, such as a fellow threat assessment specialist who has not been involved with the case, may offer a comment that can redirect or sharpen an ongoing investigation.

Case Management (continued)

In the event of a bad outcome, use and documentation of consultant expertise may demonstrate that the threat assessment team sought additional perspectives and ideas and did not get stuck with "tunnel vision."

Closing the case

The final task of threat assessment case management is closing the case. When a threat assessor determines that the subject has moved far enough away from possible violent action toward the target to no longer cause appreciable concern, the case can be considered for closing. At this time, it may be important to ask:

> What has changed in the subject's life that appears to lessen the likelihood that the subject is interested in or will attempt violent action toward the target?

> Which components of the case management plan seemed to affect the subject's thinking or capacity to initiate violent action, and to what extent?

> What life circumstances might occur that would again put the subject at increased risk of contemplating, planning, or attempting violent action toward the original target or other potential targets?

> Are there supports in place (or that can be developed) that will be known and available to the subject at a future time when the subject is again at risk of moving toward violent behavior?

While social commentators and analysts may debate the myriad reasons that lead to growing national concern about targeted violence, law enforcement and security organizations are increasingly being called on to examine individual situations and make judgments and determinations about the risks of violence that one person might present to an identifiable target. In cases related to stalking behaviors, workplace violence, attacks on public officials and figures, and other situations where targeted violence is a possibility, comprehensive and carefully conducted threat assessment investigations can safeguard potential targets, deter potential attackers, and serve the public.

For further information about threat assessment, a new publication entitled *Protective Intelligence and Threat Assessment Investigations: A Guide for State and Local Law Enforcement Officials* will soon be available through the Department of Justice.

Employee Relations Considerations

Overview

Having an understanding of the employee relations issues that come into play in violent and potentially violent situations is important for all members of an agency's planning group. It helps in coordinating an effective response, in determining whether outside resources will be needed in certain situations, and in ensuring that appropriate disciplinary actions are taken.

In many agencies, the Employee Relations staff coordinate the agency's workplace violence program. One reason is that most reported incidents will result in some type of disciplinary action. Another reason is that, since the goal of the workplace violence prevention effort is to deal effectively with problem behavior early on, reporting incidents to the Employee Relations office can result in swift disciplinary action which stops the unacceptable behavior before it can escalate. When another office, such as the Security Office, is responsible for coordinating the response effort, immediate involvement of the Employee Relations staff is usually necessary for an effective response.

This chapter will discuss:

> Administrative options available in removing potentially dangerous employees from the worksite;
>
> Taking appropriate disciplinary action based on violent, threatening, harassing, and other disruptive behavior;
>
> Responding to an employee who raises a medical condition/disability as a defense against the misconduct;
>
> Ordering and offering psychiatric examinations;
>
> Assisting employees in applying for disability retirement; and
>
> Information on appeals of disciplinary actions.

Administrative Actions to Keep an Employee Away from the Worksite

In situations where a disruption has occurred on the job, or where there is a belief that the potential for violence exists, a supervisor may need to keep an employee away from the worksite to ensure the safety of employees while conducting further investigation and deciding on a course of action.

Immediate, short-term actions

Place employee on excused absence (commonly known as administrative leave). Placing the employee in a paid, non-duty status is an immediate, temporary solution to the problem of an employee who should be kept away from the worksite.

Some employees who are placed on excused absence consider this measure to be punitive. However, relevant statute and case law have indicated that as long as the employee continues receiving pay and benefits just as if he or she were in a duty status, the excused absence does not require the use of adverse action procedures.

Agencies should monitor the situation and move toward longer-term actions (as discussed below) when it is necessary, appropriate, and/or prudent to do so. Depending on the circumstances, it may also be a good idea to offer the employee the option to work at home while on excused leave.

Detail employee to another position. This can be an effective way of getting an employee away from the worksite where he or she is causing other employees at the worksite to be disturbed. However, this action will be useful only if there is another position where the employee can work safely and without disrupting other workers.

Longer-term actions

Supervisors are sometimes faced with a situation where there is insufficient information available to determine if an employee poses a safety risk, has actually committed a crime, or has a medical condition which might make disciplinary action inappropriate. To take an employee out of a paid duty status, an agency must use adverse action procedures, which require a 30-day paid status during the advance notice of the adverse action. Included below are the two types of actions which place an employee in non-duty status.

Administrative Actions to Keep an Employee Away from the Worksite (continued)

Indefinite suspension. An indefinite suspension is an adverse action that takes an employee off-duty until the completion of some ongoing inquiry, such as an agency investigation into allegations of misconduct. Agencies usually propose indefinite suspensions when they will need more than 30 days to await the results of an investigation, await the completion of a criminal proceeding, or make a determination on the employee's medical condition. Indefinite suspensions are 5 CFR Part 752 adverse actions requiring a 30-day notice period with pay. This means that 30 days after an indefinite suspension is proposed, the employee will no longer be in a pay status until the completion of the investigation, completion of the criminal proceeding, or determination of the employee's medical condition.

Indefinite enforced leave. The procedure for indefinite enforced leave is the same as for an indefinite suspension—Part 752 adverse action procedures. It involves making the employee use his or her own sick or annual leave (after the 30 day notice period with pay) pending the outcome of an inquiry, etc. Indefinite enforced leave is used most commonly in situations where an agency has the authority to require that the employee provide medical documentation to determine whether the employee is able or will be able to work safely. Unless an employee has annual or sick leave to use, however, it really does not matter whether the action is called "indefinite suspension" or "indefinite enforced leave."

Disciplinary Actions

Where the supervisor possesses the relevant information regarding violent, harassing, threatening, and other disruptive behavior, the supervisor must determine the appropriate disciplinary action. The selection of an appropriate charge and related penalty should be discussed with the Employee Relations staff and the Office of General Counsel where appropriate. Some disciplinary actions are:

Reprimand, warning, short suspension, and alternative discipline. These lesser disciplinary actions can be used in cases where the misconduct is not serious and progressive discipline may correct the problem behavior. They are an excellent means of dealing with problem behavior early on. These lesser disciplinary actions involve considerably fewer procedures than the adverse actions listed below.

Disciplinary Actions (continued)

Removal, reduction-in grade, and suspension for more than 14 days. Law and regulations[8] provide that an agency may take an adverse action against an employee only for such cause as will promote the efficiency of the service. A Federal employee against whom an adverse action is proposed is entitled to a 30-day advance written notice. A seven-day notice period instead of the usual 30 days is permitted "when the agency has reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment may be imposed."[9]

In either case, the agency must give the reasons for the proposed action in the written notice and provide the employee an opportunity to respond. The agency must consider the employee's response and notify the employee when a decision has been made. If the agency's final decision is to take the proposed action, the employee must be advised of the appeal rights to which he or she is entitled and the time limits that apply to those appeal rights.

Disabilities as a Defense Against Alleged Misconduct

The Equal Employment Opportunity Commission (EEOC) has issued important guidance that specifically addresses potentially violent misconduct by employees with disabilities. Although this guidance deals specifically with psychiatric disabilities, it applies generally to other disabling medical conditions. It advises that an agency may discipline an employee with a disability who has violated a rule (written or unwritten) that is job-related and consistent with business necessity, even if the misconduct is the result of the disability, as long as the agency would impose the same discipline on an employee without a disability. The guidance specifically states that nothing in the Rehabilitation Act prevents an employer from maintaining a workplace free of violence or threats of violence.

The guidance specifically states that reasonable accommodation is always prospective. Thus, an agency is never required to excuse misconduct as a reasonable accommodation. A reasonable accommodation is a change to the workplace that helps an employee

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[8] 5 USC 7513(a) and 7701(c)(1)(B) and 5 CFR Part 752

[9] 5 USC 7513(b)

Disabilities as a Defense Against Alleged Misconduct (continued)

perform his or her job and may be required, along with discipline, when the discipline is less than removal.

For a detailed discussion of all these points, see *EEOC Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities*, EEOC number 915.002, 3-25-97. The guidance is available on the Internet at http\\www.eeoc.gov, or a copy can be obtained by calling the EEOC Publications Office at (800) 669-3362. Interpretation of the Rehabilitation Act is complex and changing, and any specific questions should be discussed with your Office of General Counsel.

Ordering and Offering Psychiatric Examinations

Supervisors should gain a better understanding of their rights (and limitations) regarding psychiatric examinations for employees. There are some absolute prohibitions in Federal personnel law regarding what medical information a supervisor can demand from an employee and every supervisor should learn what can be ordered versus what can be offered. Discuss specific questions with your Office of General Counsel. However, below is some basic information on psychiatric examinations.

Ordering **a psychiatric examination.** Under 5 CFR Part 339, an agency may **order** a psychiatric examination, or psychological assessment, under very rare circumstances.[10] The only time an employee can be ordered to undergo a psychiatric examination is:

> If he or she occupies a position requiring specific medical standards and the results of a current general medical exam show no physical basis to explain actions or behavior which may affect the safe and efficient performance of the individual or others, or

> If a psychiatric examination is specifically required by medical standards or a medical evaluation program.

Offering **a psychiatric examination.** Under 5 CFR Part 339, an agency may **offer** a psychiatric evaluation, or psychological assessment (or it may ask the employee to submit medical documentation) in any situation where it is in the interest of the Government to obtain medical

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[10] 5 CFR 339.301 and 302

Ordering and Offering Psychiatric Examinations (continued)

information relevant to an individual's ability to perform safely and efficiently, or when the employee has requested, for medical reasons, a change in duty status, working conditions, or any other benefit or reasonable accommodation. If the employee refuses to be examined or to submit medical documentation, the agency should act on the basis of the information it had available.

Disability Retirement

Supervisors should also gain a better understanding of their rights, and limitations, regarding assisting employees with disability retirement applications. The restrictions on filing a disability retirement on behalf of an employee are rigorous, so supervisors should understand their role in encouraging and assisting employees who wish to seek disability retirement. Below is some basic information on disability retirement.

Employees with medical disabilities may be eligible for disability retirement if their medical condition warrants it and if they have the requisite years of Federal service to qualify. In considering applications for disability retirement from employees, the Office of Personnel Management (OPM) focuses on the extent of the employee's incapacitation and ability to perform his or her assigned duties. OPM makes every effort to expedite any applications where the employee's illness is in an advanced stage.

It is important to note that OPM's regulations[11] specifically provide that an individual's application for disability retirement does not stop or stay an agency's taking and effecting an adverse action. An agency should continue to process an adverse action, even while encouraging the employee to file an application for disability retirement himself or herself, or trying to get a family member to apply on behalf of the employee.

Assisting employees in applying for disability retirement

The agency can and should counsel the employee any time it believes that a medical condition is causing a service deficiency and the employee is otherwise eligible for disability retirement. This does not mean that the agency has a specific number of documents in hand to show that the employee is medically incapacitated. It only means that the option of disability retirement be given to the employee to consider.

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[11] *5 CFR 831.501(d)*

Disability Retirement (continued)

The agency cannot force the employee to file an application for disability retirement, despite its belief that it is in his or her best interests. If the agency believes that the employee does not understand the consequences of his or her choice not to do so, the next paragraph explains agency-filed applications for disability retirement.

Agency-filed applications for disability retirement

The conditions for filing an application for disability retirement on behalf of an employee are strictly limited. The Office of Personnel Management has set out five conditions that must be met before an agency can file on an employee's behalf.[12] If the following five conditions are met, the agency **must** file on the employee's behalf.

> The agency has issued a decision to remove the employee;

> The agency concludes, after review of medical documentation, that the cause of the unacceptable performance, conduct, or leave problems is due to the disease or injury;

> The employee is institutionalized, or based on the agency's review of medical and other information, it concludes that the employee is incapable of making a decision to file on his or her own behalf;

> The employee has no representative or guardian with the authority to file on his or her behalf; and

> The employee has no immediate family member (spouse, parent, or adult child) who is willing to file on the employee's behalf.

Appeals of a Disciplinary Action

Once a disciplinary action is taken by an agency, the employee involved has options regarding his or her appeal (or challenge) to the agency's final decision. The various avenues of redress that may be available to an employee include the agency's administrative or negotiated grievance system, the Equal Employment Opportunity Commission and the Merit Systems Protection Board. Employees covered by a bargaining unit often turn to the union for guidance on their appeal rights.

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[12] 5 CFR part 831.1201-1206 (covering CSRS employees). For FERS employees, see 5 CFR 844.202.

Appeals of a Disciplinary Action (continued)

Numerous holdings by third parties uphold agencies' rights to discipline employees who have threatened, intimidated, or physically injured their supervisors or coworkers, or otherwise caused a disruption in the workplace. However, since case law relating to disciplinary actions is constantly evolving, agency officials should always consult their employee/labor relations specialists or Office of General Counsel when considering disciplinary actions.

Employee Assistance Program Considerations

Introduction

Employee Assistance Program (EAP) participation can be important to the success of an agency's workplace violence program. The EAP's role generally begins with participation on the agency planning group where decisions are made about the role the EAP will play in the workplace violence program. EAPs usually play an active role in early prevention efforts, sometimes participate on the incident response team, and generally assist with organizational recovery after an incident of workplace violence has occurred. This chapter will provide an overview of the EAP and then discuss considerations specific to workplace violence.

Overview of the Employee Assistance Program

Every Federal agency has an EAP which provides short-term counseling and referral services to its employees at no cost. These programs are staffed by professional counselors who are available to discuss problems that can adversely affect job performance, conduct, and reliability. EAPs are required to help employees deal with alcoholism or drug abuse problems and most programs also help employees with other problems such as marital or financial problems. EAP counselors often refer employees to other professional services and resources within the community for further information, assistance, or long-term counseling.

EAPs differ from agency to agency in their structure and scope of services. Some are in-house programs, staffed by employees of the agency. Others are contracted out or are operated through an interagency agreement with the Department of Health and Human Services' Division of Federal Occupational Health. Among contracted programs, services differ, depending on the terms of the contract and the relationship between the agency and the contractor.

Confidentiality is an important issue for EAPs. Employees who seek EAP services are afforded considerable privacy by laws, policies,

Overview of the Employee Assistance Program (continued)

and the professional ethics of Employee Assistance Program (EAP) professionals. It is common practice for EAPs to inform employees in writing about the limits of confidentiality on their first visit.

Agency planning group members should familiarize themselves with the structure, scope, and special considerations of their agency's own EAP. As the planning group explores the range of services provided, it may identify needs for expanding its existing array of services. EAP professionals should advise the agency planning group on the relevant laws, policies, and ethical constraints under which they operate, including the Privacy Act provisions of 5 USC 552a and the DHHS Alcohol and Drug Patient Confidentiality Regulation provisions of 42 CFR Part 2. This will allow cooperative arrangements to be worked out for an appropriate EAP role.

The Employee Assistance Program's Role in Dealing with Workplace Violence

EAP staff members generally assist in policy and strategy development and help determine the EAP role on the agency's workplace violence incident response team. EAPs bring a special expertise to the planning process. They are in an optimal position to assist with many of the activities conducted by the planning group described in Chapter 2.

Role in early prevention efforts

Promotion of the EAP. The effectiveness of a workplace violence program is greatly enhanced in an organization with an active, well-known EAP presence. Agencies with active programs promote the EAP by issuing periodic statements from top management endorsing the program and reminding employees of the services offered by the EAP, having counselors attend staff meetings to familiarize agency employees with the counselors, and having counselors give special briefings and seminars for managers, employees, and union stewards.

Information dissemination. EAPs often provide booklets, pamphlets, and lending libraries of books and videos about such topics as domestic violence, stress reduction, and dealing with angry customers.

Early involvement in organizational change. When an agency is facing reorganization, restructuring, or other organizational change which may have an adverse effect on employees, the Employee

The Employee Assistance Program's Role in Dealing with Workplace Violence (continued)

Assistance Program (EAP) can, through individual or group sessions, keep information flowing, keep adverse feelings under control, prevent potential outbursts, provide constructive outlets for feelings, and help employees plan for the future.

Employee and supervisory training. Much of the employee training described in Chapter 4 is conducted by EAP staff. For example, counselors train employees on such topics as dealing with angry coworkers and customers, conflict resolution, and communications skills. Since EAP staff understand how important it is that supervisors (and coworkers) not diagnose an employee's problem, they are in an excellent position to explain the delicate balance between identifying problem behavior early on and labeling an individual as potentially violent. EAPs can train supervisors to deal with problems as soon as they surface without diagnosing the employee's problem.

Participation on an incident response team

Since every reported incident of workplace violence is different, and every agency is structured differently, EAP participation on an incident response team will depend on many factors. Issues need to be clarified ahead of time to avoid misunderstanding and conflict. Team members need to understand that if a case is being discussed and the counselor says, *Sorry, I can't help you with this one*, they should neither expect an explanation nor assume that the counselor is being uncooperative. Advance planning can help to identify ways of coping with these types of issues. For example, if the EAP is large enough, different staff members may play different roles. Or the staff may be able to identify other professionals who can be brought in to ensure that all needs are addressed. Working with other members of planning group and the incident response team in advance can clarify the EAP's role when an incident arises.

Consultation with supervisor when incident is reported. Depending on the type of incident reported, it is often important for a counselor, along with an employee relations specialist and security officer, to be part of the incident response team that consults with the manager. In some situations, such as potential suicides, the EAP can play a major role. In other situations, such as dealing with an employee who frightens coworkers, but who has not actually done or said anything warranting discipline, the EAP can assist other team members in working with the supervisor to strategize an effective response.

The Employee Assistance Program's Role in Dealing with Workplace Violence (continued)

Response/Intervention. The counselor can help with conflict resolution in situations that are reported early enough for such an intervention. The counselor can work with the victim, giving advice and guidance, or with the perpetrator, helping to diffuse the anger/hostility that could lead to violence. The counselor can help clarify options and procedures for situations in which substance abuse or mental illness seems to be a factor. For example, states differ in their laws regarding civil commitment for psychiatric treatment. The Employee Assistance Program (EAP) can explain to other team members their own role in such a situation, and it can coordinate with other community resources to develop contingency plans for various emergency situations. These and other examples are illustrated in the case studies in Chapter 11.

Follow-up to a violent incident

Many EAPs are prepared to respond promptly to a variety of needs that may exist after a violent incident. Prompt individual interventions with employees who have had particularly stressful experiences are sometimes necessary. Debriefing sessions for groups are often conducted two or three days after the incident. The EAP can also act as consultants to management in helping the organization to recover.

Individual interventions. Though most employees will need only brief intervention, provision should be made for the few who may need longer-term professional assistance. Strategies for identifying these employees and guiding them as smoothly as possible from emergency-centered interventions to more extensive mental health care should be included in planning.

The EAP may approach these responsibilities in different ways, depending on the size and experience of its staff. In some cases, internal EAP resources may be sufficient, but in others, additional staffing will be necessary. EAP staff who do not have expertise in traumatic incident counseling may wish to develop in-house expertise or keep close at hand the phone numbers of resources to contact should an incident occur. Potential sources of additional help, for example, private contractors, community mental health resources, university or medical school programs, might be explored.

Critical Incident Stress Debriefings (CISD). Many EAPs have been trained to participate on CISD teams. See discussion of the CISD process on page 76.

The Employee Assistance Program's Role in Dealing with Workplace Violence (continued)

Acting as consultants to management. Since management bears the brunt of responsibility after a violent incident, and can find itself dealing with unfamiliar challenges under high stress, the Employee Assistance Program (EAP) can be very helpful in facilitating an optimal response. It can provide managers with information on traumatic events and can assist them in analyzing the situation and developing strategies for the organization's recovery. An effective EAP needs to be familiar not only with post-disaster mental health care, but also with management practices that facilitate recovery and with other resources which may need to be mobilized. In thinking about an organization's recovery, there is a temptation to focus narrowly on care-giving responses such as debriefings and counseling discussed above. Essential as these services are, they are only part of the picture. The way the manager conveys information, schedules responsibilities, sets priorities, and monitors employee performance after a violent incident can play a vital role in helping or hindering recovery. Some EAPs are trained to provide this type of consultation. Agencies will find *A Manager's Handbook: Handling Traumatic Events* helpful in this regard. (See Chapter 10 for further information on organizational recovery and page 133 of Chapter 12 for information on obtaining a copy of the *Manager's Handbook*.)

Other EAP Considerations for the Agency Planning Group

Should the EAP take the incident report?

Most agencies do not use the EAP as the office responsible for taking incident reports on workplace violence. Agencies give the following reasons: Because confidentiality requirements prohibit EAP counselors from disclosing information, putting a counselor in the position of informing the other members of the intervention team about the report could lead to serious misunderstandings among agency employees and harm the credibility of the EAP. It sometimes takes years to build the EAP into a viable program trusted by employees to keep any contacts confidential and the dual role could diminish this viability. In addition, the incident reports could get confused with EAP records covered by the agency's internal system of records for its EAP.

Records that are filed and retrieved by name or other personal identifier are subject to the Privacy Act provisions of 5 USC 552a. Since each agency's system of records is different, it is a good idea to check with

Other EAP Considerations for the Agency Planning Group (continued)

the agency's Privacy Act Officer regarding the systems notice for the agency's Employee Assistance Program (EAP). The systems notice covers who can gain access to the records and how amendments are made to the records.

Many times the EAP counselor will be the person who first hears about an incident involving threatening behavior, even though the agency's reporting system provides for another office to take incident reports. Managers and employees often feel comfortable telling the counselor about a situation that frightens them, especially when the problem has not yet risen to a serious level. The agency's planning group should decide ahead of time which types of reports the counselors should handle alone and which types should be reported to the other team members, always making sure that each member of the team understands the confidentiality requirements of the EAP.

Should the EAP be first intervenor?

Agencies who have had experience with the EAP being the first intervenor in workplace violence situations report that they do not recommend this approach for the following reasons:

(1) Issues of confidentiality cause numerous conflicts for the counselors, and

(2) It could lead to a perception of treating perpetrators of workplace violence as victims needing counseling rather than as perpetrators needing discipline.

Therefore, the agency planning group should ensure that procedures developed ahead of time allow for flexibility and do not require counselors to be first intervenors in situations where this would be inappropriate.

Should the EAP perform psychological exams?

Organizations with experience in offering psychological or psychiatric examinations usually recommend that these not be performed by the EAP staff. The process of conducting these examinations is not only time-consuming and highly specialized; it also fits poorly with other EAP responsibilities. Thus, most agencies find it preferable, if offering such an examination, to have it done by an "outsider" such as an external contractor. Some agencies have professional mental health staffs in addition to the EAP and utilize them for this type of evaluation. The EAP can then take the role of teacher and facilitator, helping everyone involved to understand the report of the examination and put its recommendations into practice.

Workplace Security

Introduction

Law enforcement and security officers should be involved in all stages of the planning process in an effective workplace violence prevention program. They can play an active role in prevention, intervention, and response to threatening situations, in addition to their traditional role of responding to actual incidents of physical violence. This chapter will provide general ideas and considerations that can help the agency planning group gain an understanding of some of the law enforcement/security issues such as jurisdiction. It is also intended to help those Federal offices that do not have in-house security or law enforcement identify the appropriate organizations that can assist them.

Security Planning

Depending on the agency, location of the office, and the type of incident or situation, jurisdiction may vary. The agency's own law enforcement organization, the Federal Protective Service (FPS), or Federal, state, or local law enforcement officers, or a combination of these, may have jurisdiction. There also may be gaps in law enforcement coverage when issues of workplace violence arise. These gaps can be closed if the agency planning group (which would include any in-house security organization) works with the various law enforcement organizations in setting up workplace violence programs. The following are some suggestions for involving law enforcement in agency efforts to prevent workplace violence.

Jurisdiction

The agency planning group should identify which Federal or local law enforcement agency has responsibility for their worksite. For example, the FPS is the primary law enforcement service for responding to incidents in Federal facilities under the charge and control of the General Services Administration (GSA) as an owned or leased facility. FPS typically locates its offices in areas where there is a high concentration of Federal employees and is capable of providing timely responses to GSA owned or leased facilities in these areas. For immediate responses to GSA owned or leased facilities in rural areas and/or areas with a small Federal presence, law enforcement officials from local jurisdictions should be contacted.

Security Planning (continued)

Some agencies have in-house security and/or law enforcement organizations. Others have contracts with private security firms. It is not always clear who has jurisdiction, and who should be contacted when the need arises.

Sometimes meeting with the local police chief, county sheriff, or state police is necessary to establish a plan or procedure regarding law enforcement response in the event of potential violence or hostile incidents. Sometimes new building agreements will be necessary or contracts will have to be modified. In remote locations, arrangements can be made for local police to handle certain situations until the appropriate Federal law enforcement officials arrive.

Liaison with law enforcement agencies

The agency planning group, and later the incident response team, should maintain open and continuous liaison with those law enforcement agencies responsible for their worksite. This would entail having periodic meetings to discuss the agency's concerns. Without these contacts, lines of communication can break down and misunderstandings could arise. It is during these contacts that the agency can obtain the names and telephone numbers of law enforcement personnel to be called upon should the need arise. Planning groups in agencies that already have established liaisons should work through these established liaisons to avoid confusion.

Law Enforcement and Security Assistance

During the planning phase, law enforcement/security officers can:

Identify types of workplace violence they can address and when and how they should be notified of a potential or actual incident;

Indicate whether their officers have arrest authority;

Identify their jurisdictional restrictions and alternative law enforcement agencies who may be able to provide assistance;

Identify threat assessment professionals;

Advise on what evidence is necessary and how it can be collected or recorded, so that law enforcement can assess the information and decide what action to take;

Law Enforcement and Security Assistance (continued)

Explain anti-stalking laws applicable in the agency's jurisdiction and how and when to obtain restraining orders;

Suggest security measures to be taken for specific situations, such as in cases where Employee Assistance Program counselors or other mental health professionals warn the agency that an individual has made a threat against an agency employee; and

Arrange for supervisor/employee briefings or training on specific workplace violence issues such as:

Personal safety and security measures;
Types of incidents to report to law enforcement/security;
Types of measures law enforcement/security may take to protect employees during a violent incident, e.g., explanations of what it means to "secure the area," "secure the perimeter," and "preserve evidence";
Suggestions on how to react to an armed attacker;
Suggestions for dealing with angry customers or clients;
Suspicious packages;
Bomb threats;
Hostage situations; and
Telephone harassment and threats.

When potentially violent situations arise, law enforcement/security officers can work with the incident response team to:

Provide an assessment of the information available to determine whether law enforcement intervention is immediately necessary; for example, whether a criminal investigation is appropriate and whether a threat assessment professional should be consulted;

Identify what plan of action they deem appropriate; and

Determine who will gather what types of evidence.

Physical Security Measures

Many Federal agencies have numerous security measures in place that can reduce the risk of workplace violence. These include closed circuit cameras, silent alarms, metal detectors, two-way mirrors, electronic access systems, barriers to prevent cars from driving too close to the building, emergency internal code words, extra lighting in the parking lots, and escorts to and from parking lots after dark. Planning groups

Physical Security Measures (continued)

should review security measures and procedures and make recommendations for modifications and improvements as necessary.

The U.S. Department of Justice, U.S. Marshals Service, has issued a publication containing recommendations for increasing security in Federal facilities. Entitled *Vulnerability Assessment of Federal Facilities*, it can be obtained by contacting the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328 (Publication # 027-000-01362-7)

The information in the following section regarding physical security has been provided by the General Services Administration's (GSA) Federal Protective Service.

> **Note**: If your agency is not in GSA owned or leased buildings, you can obtain the same type of assistance from the law enforcement or security organization that has jurisdiction for your agency.

Physical Security in GSA Owned or Leased Buildings

There are more than 900,000 employees working in approximately 6,800 GSA owned or leased Federal buildings. GSA is the agency responsible for ensuring the safety and security of people while on Federal property that is owned or leased by GSA. This section contains recommendations and requirements for agencies in GSA controlled or leased space.

Statute

Federal Property Management Regulations 41 CFR Part 101-20 and Executive Order 12656 specifically require GSA to provide standard protection services by coordinating a comprehensive Occupant Emergency Program, which is a short-term emergency response program establishing procedures for safeguarding lives and property during emergencies.

GSA designated official

Each GSA owned or leased facility has a designated official, who is the highest ranking official of the primary occupant agency of a Federal facility, or alternatively, a designee selected by mutual agreement of occupant agency officials. The designated official is responsible for developing, implementing, and maintaining an Occupant Emergency Plan, which consists of procedures developed to protect life and property in a specific Federally occupied space under stipulated

Physical Security in GSA Owned or Leased Buildings (continued)

emergency conditions. The designated official's responsibilities include establishing, staffing, and training an Occupant Emergency Organization, comprised of agency employees who have been designated to perform the requirements established by the Occupant Emergency Plan.

According to the regulations, the General Services Administration (GSA) must assist in the establishment and maintenance of such plans and organizations. All agencies occupying a facility must fully cooperate with the designated official in the implementation of the emergency plans and the staffing of the emergency organization. GSA must provide emergency program policy guidance, review plans and organizations annually, assist in training of personnel, and otherwise ensure proper administration of Occupant Emergency Programs. In leased space, GSA will solicit the assistance of the lessor in the establishment and implementation of plans.

According to the regulations, decisions to activate the Occupant Emergency Organization shall be made by the designated official, or by the designated alternate official. Decisions to activate shall be based upon the best available information, including an understanding of local tensions, the sensitivity of target agencies, and previous experience with similar situations. Advice shall be solicited, when possible, from the GSA buildings manager, from the appropriate Federal Protective Service official, and from Federal, State, and local law enforcement agencies.

Physical Security Survey and Risk Assessment Matrix

A major goal of the GSA's Federal Protective Service is to provide better protection for Federal employees and visitors by pinpointing high-risk areas in Federal buildings where potential problems or emergency situations might occur. This is accomplished through a "Physical Security Survey" conducted by a certified GSA physical security specialist. The survey is a comprehensive, detailed, technical on-site inspection and analysis of the current security and physical protection conditions.

If your agency does not have up-to-date security procedures in place, the head of your agency may want to ask a regional GSA Federal Protective Service office or your agency's security office to conduct a physical security survey to ensure that employees are working in a safe

Physical Security Survey and Risk Assessment Matrix (continued)

and secure environment. A listing of Federal Protective Service (FPS) Offices is at the end of this chapter on page 73.

The following are some examples provided by the FPS of ways to improve security in your office and/or building.

Post a security guard at the main building entrance or at entrances to specific offices.

Install a metal detector or CCTV (closed-circuit television) camera or other device to monitor people coming in all building entrances.

Issue all employees photo identification cards and assign temporary passes to visitors, who should be required to sign in and out of the building. Under certain conditions, contract guards should be required to call Federal offices to confirm an appointment and/or to request an escort for all visitors—customers, relatives, or friends.

Brief employees on steps to take if a threatening or violent incident occurs. Establish code words to alert coworkers and supervisors that immediate help is needed.

Install silent, concealed alarms at reception desks.

The following are some examples provided by the FPS of ways to improve security in "front-line" offices that serve the public.

Ensure that officers (or guards) should have a clear view of the customer service area at all times.

Arrange office furniture and partitions so that front-line employees in daily contact with the public are surrounded by "natural" barriers (desks, countertops, partitions) to separate employees from customers and visitors.

Provide an under-the-counter duress alarm system to signal a supervisor or security officer if a customer becomes threatening or violent.

Establish an area in the office for employees and/or customers to escape to if they are confronted with violent or threatening people.

Physical Security Survey and Risk Assessment Matrix (continued)

Provide an access-control combination lock on access doors.

Mount closed circuit television cameras for monitoring customer service activity from a central security office for the building.

More examples of measures agencies can take to improve security for its employees can be found in the publications by the Federal Protective Service, National Institute for Occupational Safety and Health, and Occupational Safety and Health Administration that are listed in the Chapter 12.

Computer Security

Agency planning groups should address ways to safeguard computer systems. There have been cases where employees have sabotaged computer equipment, computer systems, and computer records. Therefore, whenever a threat of sabotage is suspected, procedures should be initiated to prevent the person from having access to the facility's computer system.

It is important to act quickly whenever there is reason to believe that an employee or ex-employee may commit such an act. It is standard practice to collect IDs, building passes, keys, and parking passes when employees leave their jobs. Often, however, no one thinks to block access to computer systems or networks. Some agencies, when terminating employees, bar them from the premises and eradicate their passwords to computer systems that are accessible from outside the premises.

This type of access information is sometimes difficult to determine; often, it is not readily available in one central place. For example, information technology administrators may know who has access to various computer systems, and the facilities manager may know who has access to the computer systems that control the building's heating, air-conditioning and other support functions for the facility. The agency planning group, as part of the response plan, should talk to the information/computer security officer or computer system administrators to determine the vulnerability of the computer networks and the procedures that need to be implemented to lock individuals out of these systems.

The following pages contain examples of handouts developed by the Federal Protective Service (FPS) that can be used by or adapted for your agency. FPS regional offices, listed on page 73, may be contacted for additional brochures and literature on office safety and security.

Examples of Useful Handouts for Employees

The attached desk card summarizes the actions you should (or should not) take in a hostile or threatening situation. Print out and detach the card, tear or cut along the dotted lines, fold the card into a "tent," and tape the ends together underneath so that the card will stand up on your desk with the text facing you. Review the card often. That way, if you are confronted by an angry, hostile, or threatening customer or coworker, you will know what you should do. Everyone in your office, including supervisors and managers, should follow these same procedures. You can make copies of this card so that everyone has his or her own card.

Coping With Threats and Violence

For an angry or hostile customer or coworker
> Stay calm. Listen attentively.
> Maintain eye contact.
> Be courteous. Be patient.
> Keep the situation in your control.

For a person shouting, swearing, and threatening
> Signal a coworker, or supervisor, that you need help.
>> (Use a duress alarm system or prearranged code words.)
> Do not make any calls yourself.
> Have someone call the FPS, contract guard, or local police.

For someone threatening you with a gun, knife, or other weapon
> Stay calm. Quietly signal for help.
>> (Use a duress alarm or code words.)
> Maintain eye contact.
> Stall for time.
> Keep talking—but follow instructions from the person who has the weapon.
> Don't risk harm to yourself or others.
> Never try to grab a weapon.
> Watch for a safe chance to escape to a safe area.

Federal Protective Service
U.S. General Services Administration

Handy Reference Card

Everyone in your office, including supervisors and managers, should follow these same procedures. Make copies of the card if you need to so everyone will have his or her own card.

Telephoned Threats

Keep calm. Keep talking.
Don't hang up.
Signal a coworker to get on an extension.
Ask the caller to repeat the message and write it down.
Repeat questions, if necessary.
For a bomb threat, ask where the bomb is and when it is set to go off.
Listen for background noises and write down a description.
Write down whether it's a man or a woman; pitch of voice, accent; anything else you hear.
Try to get the person's name, exact location, telephone number.
Signal a coworker to immediately call the FPS, a contract guard, or the local police.
Notify your immediate supervisor.

Federal Protective Service
US General Services Administration

Emergency Phone Numbers

Carefully tear out the "Emergency Phone Numbers" card at the dotted lines. Write in all the emergency numbers for your building. Tape this card on your desk by your phone or somewhere else close to your phone for handy reference. (Copies of this card also can be made.)

Federal Protective Service_____
Building Security_____
Police/Sheriff_____
Fire Department_____
Ambulance_____
Health Unit_____

Federal Protective Service
U.S. General Services Administration

Federal Protective Service Offices

For more information on coping with threats and violence in Federal Offices, other crime prevention, security surveys, and protection assistance, write or call your nearest Federal Protective Service, Public Buildings Service, U.S. General Services Administration at one of these Regional Addresses.

Washington, DC Metropolitan Area: Southeast Federal Center, 3rd & M Streets S.E., Washington, DC 20407-0001, (202) 690-9632

Connecticut, Maine, Massachusetts, New Hampshire, Vermont, Rhode Island: 10 Causeway Street, Room 108, Boston, MA 02222-1098, (617) 565-5776

New York, New Jersey, Puerto Rico, U.S. Virgin Islands: 26 Federal Plaza, New York, New York 10278-0013, (212) 264-4255

Delaware, Maryland and Virginia (except Washington DC Metropolitan area), Pennsylvania, West Virginia: 100 Penn Square East, Philadelphia, PA 19107-3396, (215) 656-6043

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee: 401 West Peachtree Street, NW, Atlanta, GA 30365-2550, (404) 331-5132

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin: 230 South Dearborn Street, Chicago, IL 60604-1503, (312) 353-1496

Iowa, Kansas, Missouri, Nebraska: 1500 Bannister Road, Kansas City, MO 64131-3088, (816) 926-7025

Arkansas, Louisiana, New Mexico, Oklahoma, Texas: 819 Taylor Street, Fort Worth, TX, 76102-6105, (817) 334-3559

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming: Building 41, Denver Federal Center, Denver, CO 80225-0546, (303) 236-5869

Arizona, California, Hawaii, Nevada, Guam, U.S. Trust Territory of the Pacific: 450 Golden Gate Avenue, San Francisco, CA 94102-3400, (415) 522-3440

Alaska, Idaho, Oregon, Washington: 400 15th Street, SW, Auburn, WA 98001-6599, (206) 931-7529

Crime Prevention Program: 18th & F St. NW, Washington, DC 20405-0002, (202) 501-0907

Organizational Recovery After An Incident

Introduction

Despite the best-laid plans of any Federal agency, violence in the workplace can and does happen. Just as agencies develop policies and procedures designed to head off these occurrences, agencies must be equally prepared to deal with the aftermath of such incidents. Quite often management's focus will be on getting the operational side of the office back in working order. However, just as important as getting the office back on-line is attending to the impact such incidents can have on office personnel. This chapter will provide information designed to assist management with helping an organization to recover after an incident of workplace violence.

Management Steps to Help an Organization Recover

Listed below are several initial steps management can take when an incident of workplace violence occurs.

Ensure a management presence in the worksite

Managers need to spend ample time with their employees, in the worksite or wherever they may be. Employees need to be reassured of their concern, and they need to be able to ask questions. Senior management needs to serve as a "buffer zone" to ensure that immediate supervisors are supported in this role, relieved of unnecessary duties, and not pulled away from their subordinates to write lengthy reports or prepare elaborate briefings.

Share information with employees

Employees will have many questions, and they need the answers—often more than once—if they are to resolve the experience for themselves. Information will develop over time, so information strategies need to be simple and fluid. A notice board at the elevator,

Management Steps to Help an Organization Recover (continued)

or a recorded message on a "hotline" number may suffice for the basics, and a user-friendly system for individual questions needs to be established.

Include union leadership

Union representatives can help in reassuring employees after an incident and in getting information to employees.

Bring in crisis response professionals

Before an incident ever occurs, the planning group should identify trained mental health professionals in the agency's Employee Assistance Program or the community who would be available to respond in the event of an incident. When an incident occurs, involve these emergency mental health consultants as soon as possible. They will generally need to meet with management first, working down the chain, and then with line employees. Based on what the consultants learn, they will offer services such as debriefings and defusings (see discussion of these processes later in the chapter) and informal counseling, perhaps in the work area.

Support informal debriefing

The formal debriefing doesn't end the recovery process. Provide opportunities for employees to talk informally with one another when they feel a need to discuss the experience. A comfortable break area and flexibility about break times may be all that is needed.

Support care-giving within work groups

Keep work groups together as much as possible, and try not to isolate employees from their normal support groups at work. Show respect and support for employees' efforts to care for one another.

Handle critical sites with care

Initially, the site of a violent incident will be secured as a crime scene. After the authorities are finished with it, management needs to be sensitive to a number of issues. It is helpful if employees don't have to come back to work and face painful reminders such as blood stains or broken furniture. But on the other hand, the area should not be so "sanitized" that it gives the appearance that management is pretending nothing happened. If someone has died, that person's work area will be a focus of grieving, and it needs to be respected as such.

Buffer those affected from post-event stresses

Effective coordination with the media and timely dissemination of information can help reduce media pressure on those who are the most vulnerable. Assistance with benefits and other administrative issues can reduce the burden on victims and families.

Management Steps to Help an Organization Recover (continued)

Help employees face feared places or activities

Remember the old saying about getting back on the horse. Returning soon, if only briefly, to a feared site can help prevent lasting effects such as phobic responses. Having a friend or loved one along, or being supported by close work associates, may make the first step much easier.

Remember the healing value of work

Getting back to work can be reassuring, and a sense of having a mission to perform can help the group recover its morale. But the return to work must be managed in a way that conveys appropriate respect for the deceased, the injured, and the traumatized.

For further suggestions about organizational recovery, see *A Manager's Handbook: Handling Traumatic Events* (ordering information is on page 131.)

The Critical Incident Stress Management Process

Formal crisis intervention processes for victims of critical incidents, such as workplace violence, have been used and recommended by mental health professionals for years. One such process, *Critical Incident Stress Management*, has been pioneered by Dr. Jeffrey Mitchell of the University of Maryland at Baltimore County.[13]

Note: Keep in mind that none of the information provided in this section should take the place of specialized training in the field.

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[13] This information is adapted from the following documents: Everly, G. & Mitchell, J. (1995) *Critical Incident Stress Debriefing: An Operations Manual for the Prevention of Traumatic Stress Among Emergency Services and Disaster Workers*, Ellicott City, Maryland: Chevron Publishing Corporation.

Mitchell, Jeffrey T. (1995) Essentials of Critical Incident Stress Management. In G. Everly (Ed.) *Innovations in Disaster and Trauma Psychology, Volume One: Applications in Emergency Services and Disaster Response*, Ellicott City, Maryland: Chevron Publishing Corporation, 79-81.

The Critical Incident Stress Management Process (continued)

Purpose

Critical Incident Stress Management (CISM) represents an integrated system of services and procedures whose purpose is to achieve several goals:

Prevention of traumatic stress,
Mitigation of traumatic stress,
Intervention to assist in recovery from traumatic stress,
Acceleration of recovery whenever possible,
Restoration to function, and
Maintenance of worker health and welfare.

The CISM team

A CISM team, generally comprised of mental health professionals and trained peer support personnel, provides a variety of services including:

Defusings,
Demobilizations after a disaster,
Debriefings,
Informal discussions,
Significant other support services,
Individual consults (one-on-one), and
Follow-up services.

For the purposes of this discussion, the focus will be on two of the more commonly used CISM services: debriefings and defusings.

Critical Incident Stress Debriefing

The impact of a critical incident on an individual's life appears to be mitigated, to some degree, by the availability of resources that may intervene at various stages following the incident. The Critical Incident Stress Debriefing (CISD) is a model designed to yield just such a result. The CISD model assists the victims of critical incidents with their recovery process. The model incorporates seven phases:

(1) Introductory Phase,
(2) Fact Phase,
(3) Thought Phase,
(4) Reaction Phase,
(5) Symptom Phase,

Critical Incident Stress Debriefing (continued)

(6) Teaching Phase, and
(7) Re-entry Phase.

Debriefings are group meetings that are designed to give participants an opportunity to discuss their thoughts and feelings about a distressing event in a controlled and rational manner, and to help them understand that they are not alone in their reactions to the incident. It is recommended that a formal debriefing be held within 24 to 72 hours after an incident. Depending on the number of participants and the severity of the incident, debriefings can last anywhere from one to three hours.

Debriefing teams represent a partnership between mental health professionals and peers within the target population. Peers are usually trained personnel who are interested in preventing and mitigating the negative impact of acute stress on their fellow workers. Mental health professionals serving on a Critical Incident Stress Debriefing team possess at least a master's degree in psychology, social work, psychiatric nursing, psychiatry, or mental health counseling. All team members receive training in crisis intervention, stress, post-traumatic stress disorder, and the debriefing process.

The following is a brief description of each phase of the debriefing model:

Introductory Phase

During this first phase the leader and team members introduce themselves to the participants. The leader describes how a debriefing works and lists the ground rules for the debriefing. The rules are as follows:

No one is compelled to talk but participation is strongly encouraged,
No notes or recordings of any kind are taken during the debriefing,
Strict confidentiality is maintained, and
The debriefing is not intended to be therapy.

It is important to convey to participants that their chances for a successful debriefing are heightened when they are made fully aware of what to expect during the process.

Critical Incident Stress Debriefing (continued)

Fact Phase

The fact phase begins with the team leader asking participants to identify themselves and briefly mention their degree of involvement in the incident. Participants may relate their role in the incident, how they were informed of the incident, where they were when they received this news, and so forth. Participants may begin relating their first reactions to the incident. This type of information lays the groundwork for the remaining phases of the process.

Thought Phase

Participants are asked what their first thoughts were concerning the incident. The thought phase begins to personalize the experience for the participants. This is the first phase in which some participants may exhibit some reluctance to share.

Reaction Phase

Participants are now asked to discuss "what was the worst part of the event for them, personally." This phase generally causes participants to begin exploring some of their deeper, personal responses to the event. Depending on the intensity of the event and the number of participants, this segment could last thirty minutes to one hour.

Symptom Phase

Participants are asked to describe the signs and symptoms of any distress they experienced, such as feeling nauseated, sweating palms, or having difficulty making decisions. Usually three occurrences of signs and symptoms are discussed:

(1) Those that appeared at the time of the incident,
(2) Those that arose during the next few days, and
(3) Those that they are still experiencing at the time of the debriefing.

Teaching Phase

During the teaching phase the leader and team members share information regarding the relationship between the critical incident and the subsequent cognitive, emotional, behavioral, and physiological reactions that others involved in such events have experienced. Participants are provided with a handout entitled "Critical Stress Information Sheet." During this phase, participants are permitted to ask new questions or bring up information that was not discussed earlier.

Critical Incident Stress Debriefing (continued)

Re-entry Phase

This phase signals the end of the debriefing. Participants are encouraged to ask questions and explore other issues associated with the incident that may have not surfaced earlier. Team members are asked to provide some summary remarks, and the team leader makes a few additional statements in an effort to bring closure to the debriefing. A crucial message emanating from the debriefing is that the participants' reactions are normal responses to an abnormal event.

Is a Debriefing Warranted?

The decision about whether or not a formal debriefing is warranted generally rests with management personnel following consultation with mental health consultants. Though not all-inclusive, some examples of important questions to explore when assessing the need for a debriefing are these:

What is the nature of the incident?

Is the event of sufficient magnitude as to cause significant emotional distress among those involved?

How many individuals are involved in the incident?

What signs and symptoms of distress are being displayed by the participants or the witnesses of the incident?

Are the signs and symptoms growing worse as time passes?

Are any of the following key indicators of a need for a debriefing present: behavior change; regression; continued symptoms; intensifying symptoms, new symptoms arising, or group symptoms present?

In some instances, as these and other questions are explored, it may be determined that a formal debriefing is not warranted. Or, perhaps there may be a decision to briefly meet with the group(s) that have been impacted by the incidents to further assess the need for a formal debriefing. Under these circumstances, a critical incident stress defusing may be appropriate. This process will be discussed next.

Critical Incident Stress Defusing

Other than the critical incident stress debriefing, the defusing is one of the most frequently used Critical Incident Stress Management (CISM) techniques. Defusings are, in essence, short debriefings. Defusings generally last less than one hour and provide CISM team members with an immediate opportunity to ask a wide range of questions about the critical incident. As in the debriefing, participants are not required to talk during the defusing. It is recommended that defusings be conducted within the first eight hours of the resolution of a traumatic event.

Three phases

The critical incident stress defusing consists of three phases.

Introduction. Here the CISM team members introduce themselves, describe the defusing process, set forth the guidelines, and encourage participation.

Exploration. In this segment, the peer support personnel ask the participants to describe their experience of the critical incident. During this time, the group is permitted to talk freely while the team members monitor the participants' comments. As the group discusses their experiences, the team members can also ask appropriate questions in an effort to learn more about the most important parts of the critical incident. As the discussion begins to fall off, the discussion moves to the third and final phase.

Information. During this phase, team members provide participants with information designed to help them cope during the next few days until the distress resolves on its own or until the team can organize a formal debriefing, if one is deemed necessary. This information consists of suggestions regarding rest, diet, and exercise as well as other stress control strategies.

Outcomes

The critical incident stress defusing will generally result in one of two outcomes. First, it may eliminate the need for a formal debriefing. Participants receive valuable coping information during defusing that, if attended to, can go a long way in mitigating the impact of the critical incident and in accelerating their recovery. In addition, participants come away from a defusing with more information about the incident than they started with and, again, this has proven to be beneficial to the recovery process.

Critical Incident Stress Defusing (continued)

The second possible outcome of a defusing can be to enhance a subsequent formal debriefing. Participants who have attended a defusing will generally have a good idea of what to expect in a debriefing and, hopefully, will have realized the benefit of participating in such a group process. In addition, the team that conducts the defusing will often be part of the larger team that conducts the debriefing. Thus this Critical Incident Stress Management (CISM) team will have more information about the incident and the involved parties prior to the debriefing. The team will also have a better understanding of the impact of the event on many of the participants.

Conclusion

As mentioned earlier, both critical incident stress debriefing and defusing are among the two most utilized processes under the CISM umbrella. Neither model should be employed by anyone other than trained mental health professionals and peer support personnel. It should also be emphasized that the CISM process is but one crisis intervention model among others available to Federal agencies.

Case Studies

Introduction

The call comes in.

Someone's been shot--there is a fight going on--someone's been threatened--someone's being stalked by an ex-boyfriend--someone's threatening suicide--someone wants to put a stop to the "bullying" behavior that's been going on in his office.

These are just a few examples of the types of incidents reported.

How each agency responds to these reports will differ, not only among agencies but also within each agency, because the circumstances surrounding each situation are different. Even in agencies that are highly structured and have well-thought-out procedures in place, the response will necessarily depend on:

    The nature of the incident,
    The circumstances surrounding the incident,
    Who is available to respond, and
    Who has the skills needed to deal with the particular situation.

What has been learned from agencies' many years of experience is that the most effective way to handle these situations is to take a team approach, rather than having one office handle a situation alone. In some cases of workplace homicides, it became apparent that the situation got out of control because personnel specialists did not inform security about a problem employee, or coworkers were not warned about the threatening behavior of an ex-employee, or one agency specialist felt he had to "go it alone" in handling the situation.

Agencies should have plans in place ahead of time so that emergency and non-emergency situations can be dealt with as soon as possible. However, it is also necessary to build the maximum amount of flexibility possible into any plan.

Basic Concepts

Since agencies and situations differ, specific steps or procedures to follow on a Government-wide basis would be inappropriate and impractical. However, there are some basic concepts that all agencies should keep in mind when formulating their strategy to address workplace violence.

Respond promptly to immediate dangers to personnel and the workplace.

Investigate threats and other reported incidents.

Take threats and threatening behavior seriously; employees may not step forward with their concerns if they think that management will dismiss their worries.

Deal with the issue of what may appear to be frivolous allegations (and concerns based on misunderstandings) by responding to each report seriously and objectively.

Take disciplinary actions when warranted.

Support victims and other affected workers after an incident.

Attempt to bring the work environment back to normal after an incident.

How to Use the Case Studies

The case studies presented in this chapter are derived from real life situations that have arisen in Federal agencies. They are intended to provide assistance to agency planners as they develop workplace violence programs and assess their readiness to handle these types of situations. It should be noted that, in some of the case studies, the circumstances have been modified to make them better learning tools.

As you read the case studies, keep in mind that there is no one correct way to handle each situation. The case studies should not be taken as specific models of how to handle certain types of situations. Rather, they should be a starting point for a discussion and exploration of how a team approach can be instituted and adapted to the specific needs and requirements of your agency.

How to Use the Case Studies (continued)

Questions for discussion

The case studies are intended to raise questions such as:

1. Do we agree with the approach the agency took in the case study?

2. If not, why wouldn't that approach work for us?

3. Do we have adequate resources to handle such a situation?

Questions for program evaluation

Establish a system to evaluate the effectiveness of your response in actual situations that arise so that you can change your procedures if necessary. Ask the following questions after reviewing each of the case studies and after planning how your agency would respond to the same or a similar situation:

1. Does our workplace violence program have a process for evaluating the effectiveness of the team's approach following an incident?

2. Would our written policy statement and written procedures limit our ability to easily adopt a more effective course of action in the future, if an evaluation of our response showed that a change in procedures was necessary?

3. Do we have plans to test our response procedures and capability through practice exercises and preparedness drills and change procedures if necessary?

CASE STUDY

Case Study 1 - A Shooting

The Incident

The report comes in: Two employees have been killed in the workplace and two have been wounded. A witness has called 911 and the police and ambulances have arrived. The perpetrator (an agency employee) has been taken into custody, the victims are being sent to the hospital, and the police are interviewing witnesses and gathering evidence.

Response

In this situation, the agency's crisis response plan called for the immediate involvement of:

(1) A top management representative,
(2) A security officer,
(3) An employee relations specialist,
(4) An EAP counselor, and
(5) An official from the public affairs office.

Top management representative. The manager, an Assistant Director of a field office with 800 employees, coordinated the response effort because she was the senior person on duty at the time. In addition to acting as coordinator, she remained available to police throughout the afternoon to make sure there were no impediments to the investigation.

She immediately called the families of the wounded and assigned two other senior managers to notify the families of the deceased. She also arranged for a friend of each of the deceased coworkers to accompany each of the managers. She took care of numerous administrative details, such as authorizing expenditures for additional resources, signing forms, and making decisions about such matters as granting leave to coworkers. (In this case, the police evacuated the building, and employees were told they could go home for the rest of the day, but that they were expected to return to duty the following day.)

To ensure a coordinated response effort, she made sure that agency personnel involved in the crisis had cell phones for internal communication while conducting their duties in various offices around the building.

Case Study 1 -
A Shooting (continued)

Security staff. The security staff assisted the police with numerous activities such as evacuating the building.

Employee Relations Specialist.   The employee relations specialist contacted the agency's Office of General Counsel and Office of Inspector General and alerted them to the situation so that they could immediately begin to monitor the criminal proceedings. He made a detailed written record of the incident, but he did not take statements from witnesses because it could have impeded the criminal prosecution of the case. He also helped the supervisor draft a letter of proposed indefinite suspension pending the outcome of the criminal proceedings. He worked closely with the prosecutor's office to obtain relevant information as soon as it was available so the agency could proceed with administrative action when appropriate.

Employee Assistance Program (EAP) counselor. The agency had only one EAP counselor on duty at the time. However, in prior planning for an emergency, they had contracted with a local company to provide additional counselors on an "as needed" basis. The one EAP counselor on duty called the contractor and four additional counselors were at the agency within an hour.   The counselors remained available near the scene of the incident to reassure and comfort the employees.

The agency EAP counselor arranged for a series of Critical Incident Stress Debriefings (CISD) to take place two days later (see Chapter 10 for a discussion of CISD) and also arranged for two contract EAP counselors to be at the workplace for the next week to walk around the offices inquiring how the employees were doing and to consult with supervisors about how to assist employees to recover. She made contact with the wounded employees and their family members, as well as family members of the deceased, to offer EAP services.

Public Affairs Officer. The Public Affairs Officer handled all aspects of press coverage.   She maintained liaison with the media, provided an area for reporters to work, and maintained a schedule of frequent briefings.

CASE STUDY

Case Study 1 -
A Shooting (continued)

Questions for the Agency Planning Group

1. How would your agency have obtained the services of additional EAP counselors?

2. How would employees be given information about this incident?

3. Who would clean up the crime scene?

4. Would you relocate employees who worked in the area of the crime scene?

5. What approach would your agency take regarding granting administrative leave on the day of the incident and requests for leave in the days/weeks following the incident?

6. How would you advise management to deal with work normally assigned to the victims/perpetrator?

7. What support would your agency provide to supervisors to get the affected work group(s) back to functioning?

CASE STUDY

Case Study 2 - Viciously Beating and Wounding a Coworker

The Incident

The following incident was reported to the agency's Incident Response Team. A female employee had broken off a romantic relationship with a male coworker, but he wouldn't leave her alone. She finally had a restraining order served to him at work. After the police officer served the restraining order, the perpetrator totally lost control and entered the woman's cubicle. He hit her; she fell from her chair. While she was on the floor, he broke a soda bottle and cut her face with the broken glass. While this was going on, coworkers heard the commotion and called the police. The perpetrator fled the scene before police arrived and the victim was transported to the hospital.

Response

The Incident Response Team immediately implemented the following plan.

Security. The Security officer worked with hospital security to ensure that the victim got around-the-clock security while she was in the hospital. He ensured that the hospital staff knew not to give out any information about the victim to callers. He gave the victim advice, reading material, and a video on personal safety. He made sure the perpetrator's card key was inactivated, and he had pictures of the perpetrator made for the building guards. He coordinated efforts with local police.

Employee Assistance Program (EAP). The EAP counselor visited the victim in the hospital and ensured that she was being seen regularly by a social worker on the hospital staff. She worked with the victim's colleagues to help them be supportive of the victim when she came back to work. The EAP counselor visited the worksite to let coworkers know she was available to them.

Employee Relations. The employee relations specialist contacted the agency's Office of General Counsel and Office of Inspector General and alerted them to the situation so that they could begin to monitor the criminal proceedings. He helped the supervisor develop a notice of proposed indefinite suspension using the crime provision.

CASE STUDY

Case Study 2 - Viciously Beating and Wounding a Coworker (continued)

Union. The union was fully supportive of the agency's efforts to help the victim. Since both the victim and the perpetrator were bargaining unit employees, the union was aware of its role to represent all employees in the bargaining unit. In this particular case, because of the viciousness of the attack, union officials were reluctant to take the case through the entire negotiated grievance procedure. In addition, realizing that this could happen to other employees, the union officials obtained brochures on stalking from their national headquarters and invited an expert speaker on the subject to a chapter meeting.

Supervisor. The employee's supervisor obtained all the necessary forms and assisted the employee in filing an Office of Workers Compensation Programs (OWCP) claim to pay for hospital and medical costs. The supervisor and the employee's coworkers visited her in the hospital, kept in touch with her during her convalescence, and kept her up-to-date on news from the office.

Agency Attorney An agency attorney maintained contact with the local prosecutor's office.

Resolution

The police caught and arrested the perpetrator after about 10 days. The agency proposed and effected a removal action against the perpetrator based on a charge of "wounding a coworker." He did not appeal the action.

The employee remained hospitalized for two days and then went to the home of a friend until the perpetrator was apprehended. She remained at home for another two weeks before returning to work. Her OWCP claim was accepted. She continues to stay in touch with the Employee Assistance Program counselor who had visited her at the hospital and assisted her during her time away from the office. The counselor referred her to a support group for battered women, and she finds it very helpful.

The perpetrator was found guilty and received jail time. After jail time was served, and at the suggestion of an agency attorney, the court forbade the perpetrator to contact the victim or the agency as one of the conditions of probation. The security officer alerted security guards and discussed security precautions with the victim, ensuring that there would be an effective response if the perpetrator violated this restriction.

Case Study 2 - Viciously Beating and Wounding a Coworker (continued)

Questions for the Agency Planning Group

1. Who at your agency would monitor the proceedings of the criminal case, e.g., to be aware of the situation if the perpetrator got out of jail on bail or probation?

2. Does your security office establish liaison with and keep in contact with agency or local law enforcement authorities in order to coordinate efforts in these type of cases?

3. Do you have a procedure in place for cleaning up the crime scene after investigators are finished examining it?

4. Would employees at your agency know who to call in an emergency—for example, 911, the Federal Protective Service, in-house security, or in-house law enforcement?

CASE STUDY

Case Study 3 -
A Suicide Attempt

The Incident

*A member of the agency's Incident Response Team received a frantic call from an employee saying that her coworker just left her office muttering about **the final straw—you all won't have me to push around any more.** She said she's been worried for weeks about the possibility of her coworker committing suicide and knows now she should have called earlier. The staff member who took the call told the employee to see if she could find her coworker and remain with her. Help was on its way.*

Response

For incidents involving suicide threats, the agency's plan was to call local police if there seemed to be an immediate danger and, if not enough was known about the situation, to contact security and the Employee Assistance Program (EAP) counselor to do an immediate assessment of the situation.

The team member who took the initial call first contacted security who immediately located the two employees. The EAP counselor could not be reached immediately, so the team member called an employee in the Human Resources (HR) department who had earlier volunteered to help out in emergency situations (she had been trained in her community in dealing with suicide attempts).

The HR specialist arrived at the distressed employee's office within two minutes of the call. The employee was crying at this point and saying she was beyond help. *It'll be over soon.* The HR specialist recognized what was happening and asked the security officer to call police and an ambulance and tell them there was a suicide attempt. After calling the police, the security officer went outside to meet the emergency workers and direct them to the scene. The HR specialist then learned from the woman that she had swallowed 10 pills an hour earlier. The police and ambulance were on the scene within three minutes of the call and the woman was hospitalized.

The HR specialist contacted the employee's family and then prepared a report of the incident. The EAP counselor consoled and supported the coworker who had initially called the Incident Response Team.

Emergency treatment was successful, and the employee was admitted to the hospital's psychiatric unit. The EAP counselor and HR specialist

**Case Study 3 -
A Suicide Attempt
(continued)**

stayed in touch with the employee and supported her in planning her return to work. She returned to work four weeks later, functioning with the help of anti-depressant medication and twice-weekly psychotherapy sessions.

With the employee's consent, the Employee Assistance Program (EAP) counselor arranged a meeting involving the employee, her supervisor, and the Human Relations specialist to coordinate her treatment and work activities. The supervisor agreed to adjust the employee's work schedule to fit her therapy appointments as a reasonable accommodation, and the supervisor provided guidance on procedures and medical documentation requirements for leave approval. The counselor, supervisor, and employee agreed on a plan for getting the employee immediate emergency help if she should feel another crisis coming on.

Resolution

Two years later, the employee is doing well, working a normal schedule, and continues to be a productive employee. She no longer takes anti-depressant medication, but she stays in touch with both her psychiatrist and the EAP counselor.

*Questions for the Agency
Planning Group*

1. Do you agree with the agency's approach in this case?

2. Does your agency have back-up plans for situations where key team members are not available?

3. Has your agency identified employees with skills in handling emergencies?

4. Does your workplace violence policy and training encourage employees to report incidents at an early stage?

5. Does your workplace violence policy and training encourage employees to seek guidance with regard to problems that trouble them even though they don't understand the nature of the problem?

6. If the employee had left the building before emergency personnel arrived, does your plan provide for contacting the appropriate authorities?

CASE STUDY

Case Study 4 - Stalking

The Incident

A supervisor called the Employee Relations office to request a meeting of the workplace violence team for assistance in handling a situation he's just learned about. He was counseling with one of his employees about her frequent unscheduled absences, when she told him a chilling story of what she's been going through for the past year. She broke up with her boyfriend a year ago and he's been stalking her ever since. He calls her several times a week (she hangs up immediately). He shows up wherever she goes on the weekends and just stares at her from a distance. He often parks his car down the block from her home and just sits there. He's made it known he has a gun.

Response

This agency's plan calls for the initial involvement of security, the Employee Assistance Program (EAP), and Employee Relations in cases involving stalking. The security officer, the EAP counselor, and employee relations specialist met first with the supervisor and then with the employee and supervisor together. At the meeting with the employee, after learning as much of the background as possible, they gave her some initial suggestions.

Contact her local police and file a report. Ask them to assess her security at home and make recommendations for improvements.

Log all future contacts with the stalker and clearly record the date, time, and nature of the contact.

Let voice mail screen incoming phone calls.

Contact her own phone company to report the situation.

Give permission to let her coworkers know what was going on (she would not agree to do this).

Vary her routines, e.g., go to different shops, take different routes, run errands at different times, report to work on a variable schedule.

CASE STUDY

**Case Study 4 -
Stalking (continued)**

The team then worked out the following plan:

1. The **Employee Relations** specialist acted as coordinator of the response effort. He made a written report of the situation and kept it updated. He kept the team members, the supervisor, and the employee apprised of what the others were doing to resolve the situation. He also looked into the feasibility of relocating the employee.

2. The **Security** officer immediately reported the situation to the local police. With the employee's consent, she also called the police where the employee lived to learn what steps they could take to help the employee. She offered to coordinate and exchange information with them. The security officer arranged for increased surveillance of the building and circulated photos of the stalker to all building guards with instructions to detain him if he showed up at the building. She brought a tape recorder to the employee's desk and showed her the best way to tape any future voice mail messages from the stalker. She also contacted the agency's phone company to arrange for its involvement in the case.

3. The **Employee Assistance Program** counselor provided support and counseling for both the employee and the supervisor throughout the time this was going on. He suggested local organizations that could help the employee. He also tried to convince her to tell coworkers.

4. The **Union** arranged to sponsor a session on stalking in order to raise the consciousness of agency employees about the problem in general.

After a week, when the employee finally agreed to tell coworkers what was going on, the EAP counselor and security jointly held a meeting with the whole work group to discuss any fears or concerns they had and give advice on how they could help with the situation.

Resolution

In this case, the employee's coworkers were supportive and wanted to help out. They volunteered to watch out for the stalker and to follow other security measures recommended by the security specialist. The stalker ended up in jail because he tried to break into the employee's home while armed with a gun. Security believes that the local police were able to be more responsive in this situation because they had been working together with agency security on the case.

CASE STUDY

Case Study 4 -
Stalking (continued)

*Questions for the Agency
Planning Group*

1. Do you agree with the agency's approach in this case?

2. What would you do in a similar situation if your agency doesn't have security guards?

3. What would you do if coworkers were too afraid of the stalker to work in the same office with her?

4. What would you do if/when the stalker gets out of jail on bail or out on probation?

5. Would your Office of Inspector General have gotten involved in this case, e.g., coordinated agency efforts with local law enforcement agencies?

CASE STUDY

Case Study 5 - A Domestic Violence Situation

The Incident

A team member, the employee relations specialist, receives a phone call from an employee. She reports that she has just finished a long conversation with a friend and coworker, a part-time employee, who revealed to her that she is a victim of domestic violence. The coworker, a single mother, relates that she had always considered her friend a very fortunate person—attractive, personable, and, because of her husband=s success in business, able to devote a good deal of her time to her beautiful home and two small children.

Finding her in tears after a phone call from home, the employee had encouraged her coworker to go for a walk at lunch time and talk about whatever was wrong. To her surprise, she learned that the woman=s husband has been abusing her since their first child was born. He is careful to injure her only in ways that do not leave visible signs, and she feels sure no one would ever believe her word against his. The family's assets, even "her" car, are all in his name, and her part-time salary would not be enough for herself and the children to live on. Further, he has threatened to kill her if she ever leaves him or reveals the truth.

After talking with the employee, the coworker agreed to let the situation be reported to the workplace violence team.

Response

The **Employee Relations** specialist agreed to meet with both employees immediately. The abused woman asked to have her friend along and, at the employee relations specialist's suggestion, gave her permission to explain the situation to the two employees' supervisor. After interviewing her in a caring, supportive way to get basic information, she asked other team members, the security director and the Employee Assistance Program (EAP) counselor, to join her in analyzing the situation. Then she met with the abused employee, her friend (at her request), and her supervisor to report on the team=s recommendations.

The **EAP** counselor arranged for the abused woman to see another counselor, who had an open appointment that same day, for counseling and referral to the community agencies that could help her.

CASE STUDY

Case Study 5 -
A Domestic Violence
Situation (continued)

The counselor referred her to a comprehensive shelter for victims of abuse. She explained the comprehensive services the shelter could offer her: a safe place to stay with her children, advice on how to get out of her home situation safely, legal advice, and much other helpful information. At first, the employee was afraid to change the status quo. After several meetings with the Employee Assistance Program counselor and encouraging talks with her friend, she agreed to talk with the shelter staff. Her friend drove her to the meeting. They worked with her to develop a safe plan for leaving home with her children.

The employee asked the workplace violence team to coordinate with the shelter staff. After discussing her plan with them, the **Security** director identified that right after she left home would be a high risk period and arranged for a guard to be at the workplace during that time. He supplied photographs of the husband to the guard force.

With the woman's consent, the supervisor and security director discussed the situation with coworkers, shared the picture with them, and explained what they should do in various contingencies. At the meeting one coworker began complaining about danger to herself. The friend argued persuasively that, *This could happen to any of us. Would you rather we stick together, or leave one another to suffer alone?* This rallied the group, and the complainer decided to go along with the others.

The **Supervisor** agreed to use flexitime and flexiplace options to make the employee more difficult to find. Not only would she be working a different schedule; she would report to a suburban telecommuting center instead of the agency=s central office.

The supervisor explained to the employee that she would like very much to have her on board full time, as she was an excellent worker, but that there was no position available. However, she encouraged her to seek a full time job, and made phone calls to colleagues in other departments to develop job leads for her. One of her professional associates offered to allow the employee to use their organization=s career transition center, which had excellent job search resources, and was located in a different part of town from her normal worksite.

Resolution

The employee executed her plan for leaving home and moved to the shelter with her children. She worked with an attorney to obtain financial support and to begin divorce proceedings. She often had times of doubt and fear but found the shelter staff very supportive. Her coworkers encouraged her to call daily with reports on her progress.

CASE STUDY

**Case Study 5 -
A Domestic Violence
Situation (continued)**

The husband appeared at the office only once, a few days after his wife moved into the shelter. He shouted threats at the security guard, who calmly called for backup from the local police. Fearing for his reputation, he fled the scene before police could arrive. The guard force continued to monitor any efforts by the husband to gain entry to the building.

Six months later, the employee has obtained a full-time position at a nearby office within the same agency. She discovered that they also had a workplace violence team and made them aware of her situation, just in case she should need their help. She and her children have moved into an apartment. The children are seeing a child psychologist, recommended by the Employee Assistance Program counselor, to help them make sense of an upsetting situation, and she attends a support group for battered women. Her friend from her former office has helped her with encouragement, support, and suggestions on how to handle the stresses of single parenthood.

*Questions for the Agency
Planning Group*

1. Are your team members knowledgeable about domestic violence?

2. What do you think about the role of the friend? How would you encourage agency employees to support coworkers in these types of situations?

3. Does your agency have access to career transition services to help in these types of situations?

4. Has your planning group identified someone knowledgeable about restraining/protective orders to discuss with the employee the pros and cons of obtaining one?

CASE STUDY

Case Study 6 -
A Threat

The Incident

*At a smoking break with one of his colleagues from down the hall, an employee was reported to have made this statement, **I like the way some employees handle problems with their supervisors—they eliminate them. One of these days I'm going to bring in my gun and take care of my problem.** The employee who heard the statement reported it to his supervisor, who in turn reported it to his supervisor, who called a member of the workplace violence team.*

*When the supervisor of the employee who allegedly made the threat was contacted, he reported that, several months earlier, the same employee had responded to his casual question about weekend plans by saying, **I'm going to spend the weekend in my basement with my guns practicing my revenge.** At that time, the supervisor had warned the employee that such talk was unacceptable at work and referred the employee to the Employee Assistance Program (EAP).*

Response

In the case of a threat where there does not appear to be an imminent danger, the agency's plan called for the **Employee Relations** specialist to conduct an immediate preliminary investigation and for the team to meet immediately afterward to look at the available evidence and strategize a preliminary response.

That afternoon, the employee relations specialist interviewed the employee who heard the threat, that employee's supervisor, the supervisor of the employee who made the threat, and subsequently the employee who allegedly made the threat. The employee who made the threat denied saying any such thing. There were no witnesses.   The supervisor expressed concern for his and his staff's safety. He said that this morning's incident confirmed his earlier concerns. Based on comments from supervisors and the employee who made the threat, the employee relations specialist recommended that a more thorough investigation be done.

At the meeting where the employee relations specialist's findings were discussed, the following people were present: the first- and second-level supervisor of the employee who allegedly made the threat, an Associate Director of the agency, the agency security officer, the employee relations specialist, the EAP counselor, and an attorney from the General Counsel's Office.

Case Study 6 -
A Threat (continued)

One of the team members recommended that the employee be given a counseling memo and referred to the Employee Assistance Program. The consensus of the others, however, based on the employee relations specialist's verbal report, was to recommend to the supervisor that the employee be placed on excused absence pending an investigation and that he be escorted from the premises.

The **Security Officer** and the employee's second-level **Supervisor** went together to give the alleged threatener a letter that simply stated *This is to inform you that effective immediately you will be in a paid, non-duty status, pending an agency determination regarding your actions on June 10. You are required to provide a phone number where you can be reached during working hours.* They also took away his identification badge and office keys, and escorted him to the building exit.

The team consulted with the agency's Office of Inspector General which arranged for a criminal investigation to be conducted. The **Criminal Investigator** interviewed all of the employee's coworkers and two other employees who the coworkers indicated had knowledge of this employee's prior statements against his supervisors. He then interviewed the alleged threatener.

The criminal investigator checked to see if the employee had a police record. He did not. The investigator also checked his workplace to see if he had any weapons at the office or if he had any written material of a threatening nature. The search of his workplace found nothing of consequence.

The investigative report showed that the employee told his coworkers on several occasions that he had no respect for his supervisor and that he thought that threatening him was an effective way to solve his problems with him. Signed statements indicated that he bragged about knowing how to get his way with his boss.

The prosecutor's office, after receiving the investigative report, made a determination that it would not prosecute the case and informed management that they could proceed with administrative action. The team recommended a proposed removal action since the evidence showed that the employee was using threats to intimidate his supervisor.

CASE STUDY

Case Study 6 -
A Threat (continued)

Resolution

The second-level supervisor proposed a removal action based on a charge of "threatening a supervisor." A top manager who had not been directly involved in the case insisted that the agency enter into a settlement agreement that would give the employee a clean Standard Form (SF) 50. However, based on the particular facts in this case, the team convinced him that he was not solving any problems by settling the case in this way and was, in fact, just transferring the problem to another unsuspecting employer. The top manager finally agreed and the employee was removed from Federal service.

Note: Even though the agency did not settle the case, and did, in fact, effect a removal action, the employee was soon hired by another agency anyway. The new agency never checked his references and is now experiencing the same intimidating behavior from the employee.

Questions for the Agency Planning Group

1. What would your agency have done about checking references before hiring this employee?

2. What do you think would have been the risks of settling the case with a clean SF 50?

3. How would your agency have handled the case if the key witness (i.e., the employee who heard the threat) was not credible?

CASE STUDY

Case Study 7 - Veiled Threats

The Incident

*A team member took a phone call from a supervisor who said, **One of my employees said this morning that he knows where my kids go to school. I know that doesn't sound like much to you, but if you saw the look in his eyes and heard the anger in his voice, you'd know why I need your help in figuring out what to do.***

Response

The team member who took the call heard more details about the incident and then set up a meeting with the supervisor who made the report, a security specialist, an employee relations specialist, and an Employee Assistance Program (EAP) counselor.

At the meeting, the **Supervisor** who made the report told the team that the employee who said that he knows where his kids go to school has been engaging in intimidating behavior against him for the past year since he became his supervisor. The supervisor had spoken with him on several occasions to let him know that his behavior was unacceptable. He also had given him a written warning along with a written referral to the EAP.

Because the office was in a General Services Administration controlled building, the **Security** specialist then called the regional office of the Federal Protective Service (FPS). The FPS contacted the threat assessment unit of the state police, who agreed to assign a threat assessment consultant to assist the agency. In a phone consultation with the team, the **Threat Assessment Consultant** suggested that the team arrange for an immediate investigation by an investigator who was experienced in workplace violence cases. The investigator should explore the following areas:

1. What further background information can be learned about the relationship between the supervisor and alleged threatener?

2. What is the relationship between the supervisor and his other employees and coworkers?

3. Have there been problems of a similar nature with the alleged threatener's previous supervisors? If so, how were they resolved or handled? If there were problems with previous supervisors, were they similar to or different from the current situation?

**Case Study 7 -
Veiled Threats
(continued)**

4. What are the alleged threatener's relationships with coworkers? Might there be other potential victims? Are there also interpersonal problems between the alleged threatener and other employees?

5. Are there unusually stressful problems in the life of the alleged threatener, e.g., divorce, financial reversal, or any other recent significant traumatic event?

6. Does anyone else feel threatened based on their interaction with the alleged threatener?

7. Does the alleged threatener have access to weapons? Has he recently acquired weapons?

The threat assessment consultant scheduled another telephone consultation with the team for three days later. He also suggested that the investigator not interview the alleged perpetrator until after the next phone consultation.

The investigation was conducted immediately by a **Professional Investigator** and the team reviewed the investigative report prior to the next phone conversation with the threat assessment consultant. The report contained statements by the employee's supervisor about veiled threats the employee had made, such as *If you give me that assignment, you'll be sorry*, *I know where you live*, and *I see you every day on your way to work* (the employee lives at the opposite end of town from the supervisor). Also in the investigative report was a transcript (and a tape recording) of two voice mail messages that the supervisor found intimidating—one in which the employee said he needed annual leave that day to go for target practice and another one in which he said he couldn't come to work that day because he had to go hunting.

Again, the supervisor's statement showed that he considered the employee's tone of voice to be intimidating and said that, on the day previous to each of these phone calls, the employee had acted as though he was angry about new assignments the supervisor had given him. The supervisor said he has taken several precautions as a result of the threats. For example, he told his children to take precautions, installed dead-bolt locks at his home, and asked the local police to do a security survey of his home. In addition to the investigative report, the security office obtained a police record showing a misdemeanor conviction for spousal abuse several years earlier.

CASE STUDY

**Case Study 7 -
Veiled Threats
(continued)**

Participating in the phone consultation with the threat assessment consultant was the workplace violence team, the second-line supervisor, and the director of the office. The purpose of the consultation was to:

Analyze the information contained in the investigative report,

Determine what additional information was needed,

Determine whether to interview the alleged perpetrator,

Help the team members organize their thinking about how to proceed with the case, and

Discuss a range of options that could be taken.

The threat assessment consultant recommended that the investigator interview three coworkers, the employee's ex-wife who had been abused, and subsequently the alleged threatener. The purpose of the interview with the alleged threatener would be to corroborate what was said by the others and get his explanation of why he made the statements. The interview would also communicate to him that this kind of conduct has been noticed, troubles people, and is not condoned. He advised that security measures, including having a security officer in the next room, be taken when the alleged threatener was interviewed. The threat assessment consultant also gave the team guidance in the preservation of evidence, such as written material and tape recordings, and in the documentation of all contacts.

During the interview, the alleged threatener made what the investigator believed were several additional veiled threats against the supervisor. He even behaved in a way that led the investigator to be concerned about his own safety.

Based on the findings of the investigation, the threat assessment consultant concluded that the employee presented behaviors that showed that a real possibility existed that the employee, if pushed, might carry out some of his threats toward the supervisor and his family. He expressed concern that, if the employee continued to work in the same office, the situation could escalate. Management decided to place the employee on excused absence for the safety of the threatened supervisor.

CASE STUDY

**Case Study 7 -
Veiled Threats
(continued)**

The threat assessment consultant worked with team members to develop a plan for ongoing security. For example, he suggested the team identify one member to coordinate case management, recommended monitoring any further communication between the employee and other agency employees (e.g., any phone calls, any email messages, any showing up at residences, etc. were to be reported to the case manager). He recommended that security officials be in the area, though not visible, whenever meetings were held with the employee. The threat assessment consultant remained available for telephone consultation as the team carried out the plan.

Resolution

Despite the agency's concerns that any agency action might trigger an action against the supervisor's family, the agency removed the employee based on a charge of threatening behavior. The agency's analysis considered the credibility of the supervisor and employee, and the information and evidence gathered. The employee did not appeal the removal action.

The agency security officer gave the supervisor advice on personal safety and discussed with him the pros and cons of obtaining a restraining order for his family. The security officer also helped the supervisor get in touch with the local office of victim assistance for additional ideas on ways to protect his family. The threat assessment consultant also spoke with the supervisor and suggested that he may want to go to the school, school bus driver, and neighbors and make them aware of the problem and the threatener's appearance (show them his picture). The reason for involving/alerting the school and neighbors would be to encourage them to report any suspicious activities to the police. He also talked to the supervisor about police involvement and discussed filing criminal charges. If the police said the situation was not serious enough to file criminal charges, he suggested finding out from the police what was serious enough to warrant an arrest. For example, he could explore with police what would constitute a pattern of behavior that might be considered serious enough to pursue action under the state's stalking or harassment statute.

*Questions for the Agency
Planning Group*

1. If this incident were reported at your agency, would you have used a criminal investigator or administrative investigator to conduct the initial investigation?

**Case Study 7 -
Veiled Threats
(continued)**

2   If your agency has a criminal investigative service, have you discussed the feasibility of involving agency criminal investigators at an early stage in the process of dealing with threatening behavior, i.e., in situations where threatening behavior does not yet rise to the level of a crime?

3. Has your agency identified a threat assessment professional to whom you could turn for assistance if the need arose?

4. Do you have a good source for keeping up with Merit Systems Protection Board case law on charges and threats?

5. If this happened at your agency, and the threatening behavior continued, what would you do to protect the supervisor and his family?

CASE STUDY

Case Study 8 -
A Threat

The Incident

*A visibly upset male employee cornered a female employee in her office, and said quietly and slowly that she **will pay with her life** for going over his head to ask about his work. The male employee then stared at his coworker with his hands clenched rigidly at this side before leaving the office and slamming the door behind him. The female employee, fearful and shaken, reported this to her supervisor, who immediately reported the incident to the director of Employee Relations.*

Response

The agency's response plan calls for involvement of Employee Relations, Security and the Employee Assistance Program (EAP) in cases involving threats. Immediately following the report to the response team, the **Security Officer** contacted the female employee to assist her in filing a police report on the threat and to discuss safety measures that she should be taking. The victim was also referred to the EAP, where she received brief counseling and educational materials on handling severe stress.

An investigation was immediately conducted by an investigator from **the Office of Inspector General.** In her statement, the female employee repeated what she had reported to the supervisor earlier about the threat. In his statement, the male employee stated that, on the day in question, he had been upset about what he felt were some underhanded activities by the female employee and his only recollection about the conversation was that he made a general statement like *You'll pay* to her. He stated that this was not a threat, just an expression. The investigation showed that the employee had several previous incidents of intimidating behavior which had resulted in disciplinary actions.

Resolution

After reviewing the results of the investigation, the supervisor proposed a removal action, finding that the female employee's version of the incident was more credible. In his response to the proposed notice, the employee brought in medical documentation that said he had a psychiatric disability of Post Traumatic Stress Disorder, which caused his misconduct, and he requested a reasonable accommodation. The deciding official consulted with an agency attorney and employee relations specialist who explained that nothing in the Rehabilitation Act prohibits an agency from maintaining a workplace free of violence or

CASE STUDY

Case Study 8 -
A Threat (continued)

threats of violence. Further, they explained that a request for reasonable accommodation does not excuse employee misconduct nor does it shield an employee from discipline. The deciding official determined that removal was the appropriate discipline in this case. The employee did not appeal the action.

Questions for the Agency Planning Group

1. Do you agree with the agency's approach in this case?

2. If this situation occurred at your agency, would you have involved law enforcement early in the process?

3. Who would conduct the investigation at your agency?

4. What else would your agency have done to protect the employee?

5. Would you have requested more medical documentation from the employee?

6. Would you have considered the Merit Systems Protection Board case law on mitigation when determining the penalty?

CASE STUDY

Case Study 9 -
A Threat Made During
an EAP Counseling
Session

The Incident

When the employee first contacted the in-house Employee Assistance Program (EAP) counselor, he said that he had been referred by his supervisor because of frequent tardiness and his inability to complete his assignments on time. He complained of listlessness, lack of interest in his job, and inability to sleep. He expressed boredom with his job, unhappiness over the fact that his career was at a standstill, and eagerness to retire and move to another state. The counselor referred the employee to a psychiatrist for evaluation. The employee agreed to sign releases so the counselor could contact both his supervisor and the psychiatrist.

Feedback from the employee's supervisor confirmed the information he had provided to the EAP counselor. For the past year, his arrival time at work had been erratic and his productivity was down. The psychiatrist diagnosed depression, prescribed an anti-depressant, and referred the employee for psychotherapy. Several weeks later, the supervisor called the EAP counselor to report that, although the employee was no longer tardy, he often came in looking disheveled; coworkers complained that his speech and manner were sometimes bizarre; and he bragged of drinking large amounts of alcohol each evening.

The counselor immediately called the employee and asked him to come in for a follow-up visit. He agreed and appeared late that afternoon in a euphoric state. He said that, although he was sleeping only a few hours each night, he had never felt better in his life and had decided against psychotherapy. He admitted to having an occasional glass of wine but denied heavy drinking. The counselor encouraged him to return to the psychiatrist for re-evaluation but he refused.

The employee was in a talkative mood and began to reminisce about his Federal career—first his early successes, then recent disappointments, such as being passed over repeatedly for promotions and failure to receive any type of recognition. As he continued, he revealed in a matter-of-fact tone that he had been spending his evenings planning revenge on his managers because they had treated

Case Study 9 -
A Threat Made During
an EAP Counseling
Session (continued)

him unfairly for many years and they deserved to be punished. He believed he had planned the "perfect murder" and that he would never be caught.

Thinking at first that he was just venting his frustration, the counselor questioned him further and quickly realized that he was very serious. She urged him to call his psychiatrist immediately and he again refused but said he would "think about calling" in a day or two. As soon as the employee left her office, the counselor called the psychiatrist and asked whether he viewed the employee's statement as a threat. The psychiatrist said he believed it was a serious threat and recommended that she take immediate action. The EAP counselor called the police and agency officials and informed them about the situation.

Response

The following morning when the employee reported to the office, he was met by the local police. A police officer brought him to the community's emergency services clinic for an evaluation and subsequently transported him to the hospital. He remained in the hospital for several weeks. Following discharge, he remained at home for several more weeks, during which time agency management held many discussions with his treating and consulting physicians. It was finally decided that the employee would be allowed to return to work, and not removed from his position, on the condition that, as long as he remained an employee of the agency, he would continue in psychotherapy, remain on medication as prescribed, refrain from alcohol and other drug abuse, and be seen on a regular basis by a psychiatric consultant to the agency. The employee agreed to the plan, often known as a last chance agreement.

Resolution

Although coworkers had been concerned about the employee's strange behavior and had seen him removed from the premises by the police, several had visited him in the hospital and were supportive of his return to the office. He worked his remaining years with no further problems, then retired and moved to another state.

Questions for the Agency Planning Group

1. Do you agree with the agency's approach in handling this case?

2. Would you have let the employee back to work after his hospitalization? What information would you need to make this determination?

CASE STUDY

**Case Study 9 -
A Threat Made During
an EAP Counseling
Session (continued)**

3. What safety precautions would your agency take if you did/did not take him back?

4. What should the EAP counselor have done if he denied making the threat?

5. Would your agency have proposed disciplinary action prior to the last chance agreement?

CASE STUDY

Case Study 10 - Threats Made by an Ex-employee

The Incident

*The first incident report that came in to the agency's newly formed workplace violence team was from a field office. Two months after an employee retired on disability retirement, he began threatening his ex-supervisor. He knocked on his ex-supervisor's apartment door late one evening. He left threatening statements on the supervisor's home answering machine, such as **I just wanted to let you know I bought a gun.** On one occasion, a psychiatrist called the supervisor and the agency's security office and told them that the ex-employee threatened to murder his ex-supervisor. The psychiatrist said the threat should be taken seriously especially because he was drinking heavily. A coworker received an anonymous letter stating, **It is not over with [name of supervisor].** Each time a threat was reported, the agency's security office would take extra measures to protect the supervisor while at the workplace and the supervisor would report the incident to the local police. Each time, the supervisor was informed that the police were unable to take action on the threats because they did not rise to a criminal level. The supervisor spoke with the county magistrate about a restraining order, but again was told the threats did not rise to the level required to obtain a restraining order.*

Response

The workplace violence team held a conference call with the threatened supervisor, the director of the office, and the security chief of the field office. They suggested the following actions.

Recommendations for the **Security Officer:**

Confirm the whereabouts of the ex-employee and periodically reconfirm his whereabouts.

Meet with local police to determine whether the ex-employee's behavior constitutes a crime in the jurisdiction and whether other applicable charges (such as stalking or harassment) might be considered. Ask if the police department has a threat assessment unit or access to one at the state level. Ask police about contacting the U.S. Postal Service for assistance in tracing the anonymous letter (18 USC 876).

CASE STUDY

Case Study 10 - Threats Made by an Ex-employee (continued)

Meet with the psychiatrist who called the agency and ask him to send a letter to the chief of police reporting the threats. Also, inform the psychiatrist about the ex-employee's behavior and discuss whether or not involuntary hospitalization might be an option. Attempt to establish an ongoing dialog with the psychiatrist and try to get a commitment from him to share information about the case to the extent allowed by confidentiality.

Provide periodic updates to the threatened supervisor on the status of the case, actions taken, and actions being contemplated.

Provide support and advice to the threatened supervisor, including telephone numbers and points of contact for local telephone company, local law enforcement, and local victim assistance organizations.

Recommendations for the **Director of the Field Office:**

Meet with security and police to consider options (and their ramifications) for encouraging the ex-employee to cease and desist his threatening activities.

Provide support to the supervisor by encouraging the supervisor to utilize the Employee Assistance Program.

Recommendations for the threatened **Supervisor:**

Keep detailed notes about each contact with the threatener. Give copies of all the notes to the police. (They explained to the supervisor that in all probability, each time he went to the police, it was treated like a new report, and thus, as individual incidents, they did not rise to the level of a crime.)

Contact the phone company to alert them to the situation.

Tape record all messages left on the answering machine.

Contact the local office of victim assistance for additional ideas.

Resolution

Contact with the local police confirmed that each report had been taken as a new case. When presented with the cumulative evidence, in fact, the ex-employee's behavior did rise to the level of stalking under state law. The police visited the ex-employee and warned him that further

CASE STUDY

Case Study 10 - Threats Made by an Ex-employee (continued)

threats could result in an arrest. At the threatened supervisor's request, the county magistrate issued a restraining order prohibiting personal contact and any communication. Two months after the restraining order was issued, the ex-employee was arrested for breaking the restraining order. The agency security office and the supervisor kept in contact with the police about the case to reduce any further risk of violence.

Questions for the Agency Planning Group

1. Do you think the agency's approach in this case was adequate to protect the supervisor?

2. Have you already established liaison with appropriate law enforcement authorities to ensure that situations such as this get the proper attention from the beginning?

3. What would your agency do if the psychiatrist refused to get involved? Are you familiar with any laws in your state requiring mental health professionals to protect potential victims when threats have been made?

4. How would you continue to monitor the threatener's activities after he is released from jail?

5. What would your agency do if the case continued without the ex-employee being arrested?

CASE STUDY

Case Study 11 - Threats from Non-employees

The Incident

*The agency's new workplace violence team receives a call from a small field office. The office staff consists of three employees, two of whom spend much of their workday outside of the office. All three employees have had close calls in the past in dealing with violent individuals. On two occasions, clients who came into the office lost their tempers because they received answers they did not like. Several times the employees who conducted their business outside the office were the targets of threats and aggressive behavior. **How can you help us out here in the field?** they asked the workplace violence team.*

Response

Presented with this problem, the workplace violence team consulted with the following organizations:

The local law enforcement agency in the jurisdiction where the field office was located;

Several Federal law enforcement agencies, including the Federal Protective Service;

Other Federal Government agencies that had small field offices and/or employees who spent most of their workday outside the office;

The National Victims' Center;

Prevention units of State Police in several states where the agency had field offices.

Resolution

The agency implemented the following plan not only for the office that made the initial request, but for many of their other field offices as well.

Install a panic button in the office which is connected to a security service.

Install a video camera (with an audio component) in the public service area to record any incident that occurs in the office.

Case Study 11 - Threats from Non-employees (continued)

Reconfigure office furniture, especially in public service areas, to maximize security (e.g., rearrange the office furniture and dividers to give the appearance that the employee is not alone).

Train all employees in personal safety techniques.

Provide back-up for employees in the field when a threatening situation is suspected.

Provide employees with copies of the laws regarding harassment, threats, and stalking in their states.

Provide employees with lists of state and local organizations that can assist them in preventing violence and in dealing with potentially violent situations.

Arrange for regional and field offices to develop and maintain liaison with state and local law enforcement agencies.

Establish a system/procedure for employees in the field to check in periodically throughout the day, e.g., an employee would call and say *I'm entering the Jones residence, and I will call you back in 30 minutes*.

Provide cellular phones, personal alarms, and other safety devices, as appropriate, to employees in the field.

Questions for the Agency Planning Group

1. Do you agree with the agency's approach in this case?

2. What more could have been done?

CASE STUDY

Case Study 12 - Intimidation

The Incident

A supervisor reported to a Human Resources (HR) specialist that he recently heard from one of his employees (alleged victim) that another one of his employees (alleged perpetrator) has been intimidating him with his "in your face" behavior. The alleged perpetrator has stood over the alleged victim's desk in what he perceived as a menacing way, physically crowded him out in an elevator, and made menacing gestures. The supervisor stated that the alleged perpetrator was an average performer, somewhat of a loner, but there were no behavior problems that he was aware of until the employee came to him expressing his fear. He said that the employee who reported the situation said he did not want the supervisor to say anything to anyone, so the supervisor tried to observe the situation for a couple of days. When he didn't observe any of the behavior described, he spoke with the alleged victim again and told him he would consult with the Crisis Management Team.

Response

In cases involving intimidation, this agency's crisis response plan called for involvement of Human Resources (HR) and the Employee Assistance Program (EAP) (with the clear understanding that they would contact other resources as needed). The first thing the HR specialist did was to set up a meeting for the next day with the supervisor, an EAP counselor, and another HR specialist who was skilled in conflict resolution.

At that meeting, several options were discussed. One was to initiate an immediate investigation into the allegations, which would involve interviewing the alleged victim, any witnesses identified by the alleged victim, and the alleged perpetrator. Another suggestion offered by the EAP counselor was that, in view of the alleged victim's reluctance to speak up about it, they could arrange a training session for the entire office on conflict resolution (at which time the EAP counselor could observe the dynamics of the entire work group). The EAP counselor noted that conflict resolution classes were regularly scheduled at the agency. The supervisor also admitted that he was aware of a lot of tensions in the office and would like the EAP's assistance in resolving whatever was causing them.

After discussing the options, the supervisor and the team decided to try the conflict resolution training session before initiating an investigation.

CASE STUDY

Case Study 12 - Intimidation (continued)

At the training session, during some of the exercises, it became clear that the alleged victim contributed significantly to the tension between them. The alleged victim, in fact, seemed to contribute significantly to conflicts not only with the alleged perpetrator, but with his coworkers as well. The alleged perpetrator seemed to react assertively, but not inappropriately, to the alleged victim's attempts to annoy him.

Resolution

Office tensions were reduced to minimum as a result of the training session and follow-up work by the Employee Assistance Program. The employee who initially reported the intimidation to his supervisor not only realized what he was doing to contribute to office tensions, but he also actively sought help to change his approach and began to interact more effectively with his coworkers. He appreciated getting the situation resolved in a low-key way that did not cause him embarrassment and began to work cooperatively with the alleged perpetrator. The alleged perpetrator never learned about the original complaint, but he did learn from the training session more effective ways to interact with his coworkers. This incident took place over a year ago, and the agency reports that both are productive team players.

Questions for the Agency Planning Group

1. Do you agree with the agency's approach in this situation?

2. Can you think of other situations that could be addressed effectively through an intervention with the work group?

3. In what kinds of situations would this approach be counter-productive?

4. Can you envision a scenario where using the group conflict resolution session to get at any individualized problem might have a negative, rather than a positive, effect?

5. Has your agency conducted employee training in conflict resolution, stress management, dealing with hostile persons, etc.?

CASE STUDY

Case Study 13 - Intimidation

The Incident

An employee called a member of the agency crisis team for advice, saying that a coworker was picking on her, and expressing fear that something serious might happen. For several weeks, she said, a coworker has been making statements like, **You actually took credit for my work and you're spreading rumors that I'm no good. If you ever get credit for my work again, that will be the last time you take credit for anybody's work. I'll make sure of that.** *She also said that her computer files have been altered on several occasions and she suspects it's the same coworker. When she reported the situation to her supervisor, he tried to convince her that there was no real danger and that she's blowing things out of proportion. However, she continued to worry. She said she spoke with her union representative who suggested she contact the agency's workplace violence team.*

Response

The agency's plan called for the initial involvement of employee relations and the Employee Assistance Program (EAP) in situations involving intimidation. The **Employee Relations** specialist and the **EAP** counselor met with the **Supervisor**. He told them he was aware of the situation, but that the woman who reported it tended to exaggerate. He knew the alleged perpetrator well, had supervised him for years, and said, *He just talks that way; he's not really dangerous.* He gave examples of how the alleged perpetrator is all talk and not likely to act out. One example occurred several months earlier when he had talked to the alleged perpetrator about his poor performance. The employee had become agitated and accused the supervisor of being unfair, siding with the other employees, and believing the rumors the coworkers were spreading about him. He stood up and in an angry voice said, *You better start treating me fairly or you're going to be the one with the problem.* He then stormed out of the room, saying, *Don't ever forget my words.* The supervisor reasoned that, since he's always been this way, he's not a real threat to anyone.

During the initial meeting, the team encouraged the supervisor to take disciplinary action but he didn't believe it was appropriate. They asked him to at least sign a written statement about these incidents. He was reluctant to make any kind of written statement and could not be persuaded by their arguments to do so.

**Case Study 13 -
Intimidation
(continued)**

The employee relations specialist conducted an investigation. The results confirmed continuing intimidating behavior on the part of the alleged perpetrator. In interviews with the coworkers of the victim, they confirmed the menacing behavior of the perpetrator and several felt threatened themselves. None was willing to sign affidavits. The investigator also found a witness to the incident where the supervisor had been threatened. As the alleged perpetrator had left the supervisor's office and passed by the secretary's desk, he had said, *He's an (expletive) and he better watch himself.* Although he did not directly threaten the secretary, she also was intimidated by the perpetrator and said he often acts in a menacing fashion. However, the secretary was also unwilling to sign an affidavit.

After confirming the validity of the allegations, but with the supervisor refusing to take action, and the only affidavit being from the employee who originally reported the situation, the team considered three courses of action:

(1) Arrange for the reassignment of the victim to a work situation that eliminated the current threatening situation;

(2) Report the situation to the second line supervisor and recommend that she propose disciplinary action against the perpetrator; and

(3) Locate an investigator with experience in workplace violence cases to conduct interviews with the reluctant witnesses. The investigator would be given a letter of authorization from the director of the office stating the requirement that employees must cooperate in the investigation or face disciplinary action.

The team located an **Investigator,** who was experienced in workplace violence cases, from a nearby Federal agency and worked out an interagency agreement to obtain his services. During the investigation, he showed the letter of authorization to only one employee and to the supervisor, since he was able to persuade the others to sign written affidavits without resorting to showing them the letter.

The agency **Security** specialist met with the perpetrator to inform him that he was to have no further contact with the victim. He also met with the victim to give her advice on how to handle a situation like this if it were to happen again. In addition, he recommended a procedure to the team that would monitor computer use in the division. This

CASE STUDY

Case Study 13 - Intimidation (continued)

action resulted in evidence showing that the employee was, in fact, altering computer files.

Resolution

The first-line supervisor was given a written reprimand by the second-line supervisor for failing to take proper action in a timely manner and for failing to ensure a safe work environment. He was counseled about the poor performance of his supervisory duties. The alleged perpetrator was charged with both disruptive behavior and gaining malicious access to a non-authorized computer. Based on this information, he was removed from Federal Service.

Questions for the Agency Planning Group

1. Would supervisory training likely have resulted in quicker action against the perpetrator?

2. Do you have other approaches for convincing a recalcitrant supervisor to take action?

3. Do you have other approaches for convincing reluctant witnesses to give written statements?

4. Are you aware of the problems associated with requiring the subject of an investigation to give statements? (See page 27 for a discussion of this issue.)

5. If you had not been able to convince the reluctant witnesses to give written statements, and you only had the one affidavit to support the one incident, do you think this would have provided your agency with enough evidence to take disciplinary action? If so, what type of penalty would likely be given in this case?

CASE STUDY

Case Study 14 -
Frightening Behavior

The Incident

A supervisor contacts the Employee Relations Office because one of his employees is making the other employees in the office uncomfortable. He said the employee does not seem to have engaged in any actionable misconduct but, because of the agency's new workplace violence policy, and the workplace violence training he had just received, he thought he should at least mention what was going on. The employee was recently divorced and had been going through a difficult time for over two years and had made it clear that he was having financial problems which were causing him to be stressed out. He was irritable and aggressive in his speech much of the time. He would routinely talk about the number of guns he owned, not in the same sentence, but in the same general conversation in which he would mention that someone else was causing all of his problems.

Response

At the first meeting with the supervisor, the **Employee Relations** specialist and **Employee Assistance Program** (EAP) counselor suggested that, since this was a long-running situation rather than an immediate crisis, the supervisor would have time to do some fact-finding. They gave him several suggestions on how to do this while safeguarding the privacy of the employee (for example, request a confidential conversation with previous supervisors, go back to coworkers who registered complaints for more information, and, if he was not already familiar with his personnel records, pull his file to see if there are any previous adverse actions in it). Two days later they had another meeting to discuss the case and strategize a plan of action.

The **Supervisor's** initial fact-finding showed that the employee's coworkers attributed his aggressive behavior to the difficult divorce situation he had been going through, but they were nevertheless afraid of him. The supervisor did not learn any more specifics about why they were afraid, except that he was short-tempered, ill-mannered, and spoke a lot about his guns (although, according to the coworkers, in a matter-of-fact rather than in an intimidating manner).

After getting ideas from the employee relations specialist and the EAP counselor, the supervisor sat down with the employee and discussed his behavior. He told the employee it was making everyone uncomfortable and that it must stop. He referred the employee to the EAP, setting a time and date.

CASE STUDY

Case Study 14 -
Frightening Behavior
(continued)

Resolution

As a result of counseling by the supervisor and by the Employee Assistance Program counselor, the employee changed his behavior. He was unaware that his behavior was scaring people. He learned new ways from the EAP to deal with people. He accepted the EAP referral to a therapist in the community to address underlying personal problems. Continued monitoring by the supervisor showed the employee's conduct improving to an acceptable level and remaining that way.

Questions for the Agency Planning Group

1. Do you agree with the agency's approach in this case?

2. Can you think of other situations that would lend themselves to this kind of low-key approach?

3. Does your agency have effective EAP training so that supervisors are comfortable in turning to the EAP for advice?

CASE STUDY

Case Study 15 -
Frightening Behavior

The Incident

Several employees in an office went to their supervisor to report an unusual situation which had occurred the previous day. An agency employee from a different building had been in and out of their office over a seven-hour period, remarking to several people that "the Government" had kept her prisoner, inserted microphones in her head to hear what she was thinking, and tampered with her computer to feed her evil thoughts. She also said that her doctors diagnosed her as paranoid schizophrenic, but that they are wrong about her. She made inflammatory remarks about coworkers, and made statement such as **Anybody in my old job who got in my way came down with mysterious illnesses.**

Response

The **employee relations** specialist, who took the report, immediately informed the employee's supervisor about the incident. She learned from the employee's supervisor that until a few months ago, the employee performed adequately, but had always seemed withdrawn and eccentric. However, her behavior had changed (it was later learned that she had stopped taking her medication) and she often roamed around the office, spending an hour or more with any employee she could corner. Several employees had reported to the supervisor that they were afraid she might hurt them. She also learned that a former supervisor had previously given the employee a reprimand and two counseling memoranda for inappropriate language and absence from the worksite. The former supervisors had repeatedly offered her leave for treatment as a reasonable accommodation but she had refused.

Upon the recommendation of the employee relations specialist, the employee was placed on excused absence pending further agency inquiry and response, with a requirement to call in daily. The employee turned in her ID and building keys and the building guards were informed of the situation.

The employee relations specialist, who was a trained investigator, conducted interviews with both the employees who filed the reports and with the employee's coworkers. She found that most of the employees were afraid of the woman and had reluctantly filed the report. They said that the woman made repeated statements that the doctors called her paranoid schizophrenic, but that she was fine except

CASE STUDY

Case Study 15 - Frightening Behavior (continued)

for the devices implanted in her body and her computer. Employees in the woman's own office refused to give written statements because they were so afraid.

The employee relations specialist then set up a meeting with the woman's first- and second-line supervisor, the director of personnel, the legal office, the director of security, the agency's medical officer, and the Employee Assistance Program (EAP) counselor. The following options were raised:

Propose an indefinite suspension pending an investigation (option rejected because the agency already had all the information it needed about the incident).

Reassign or demote the employee to another office (option rejected because the reported conduct was too serious).

Propose suspension based on her day-long frightening and disruptive comments and conduct (Option rejected because the reported conduct was too serious).

Order a medical examination to determine whether the employee was fit for duty (option rejected because the employee was not in a position with medical standards or physical requirements).

Offer a medical examination (option rejected because supervisor already tried it several times).

Offer her leave for treatment (option rejected because supervisor already tried it several times).

The team recommended that the supervisor issue a proposal to remove based on the events in the other office, i.e., her day-long frightening and disruptive comments and conduct. The notice would also reference the earlier counseling memos and the reprimand which placed her on notice concerning her absence from her office and inappropriate behavior.

The supervisor presented her with the proposed removal with the employee relations specialist present and a security officer standing by in an adjoining office. Three weeks later, the employee and her brother-in-law came in for her oral reply to the proposed notice. She

Case Study 15 - Frightening Behavior (continued)

denied making any of the statements attributed to her. Her brother-in-law asked the deciding official to order her to go for a psychiatric examination, but he was told that regulations prohibited the agency from doing so. The employee did not provide any additional medical documentation.

Resolution

The agency proceeded with a removal action based on her disruptive behavior. Once her brother-in-law realized that her salary and health benefits would soon cease, he was able to convince her to go to the hospital for the help she needed and to file for disability retirement. The agency assisted her with the filing of the forms with the Office of Personnel Management. The disability retirement was approved which provided her with income and a continuation of medical coverage.

Questions for the Agency Planning Group

1. Do you agree with the agency's approach in handling this case?

2. Does your employee training direct employees to call security or 911 in emergency situations?

3. Is your team knowledgeable about accessing appropriate community resources for emergency situations?

4. What if the employee had not been willing and able to apply for disability retirement herself? Would your agency have filed for disability retirement on the employee's behalf?

5. Does your agency's supervisory training encourage early intervention in cases of this type?

CASE STUDY

Case Study 16 - Disruptive Behavior

The Incident

*After workplace violence training was conducted at the agency, during which early intervention was emphasized, an employee called the Employee Assistance Program (EAP) member of the workplace violence team for advice on dealing with his senior coworker. He said the coworker, who had been hired at the GS-14 level six months earlier, was in the habit of shouting and making demeaning remarks to the employees in the office. The senior coworker was skilled in twisting words around and manipulating situations to his advantage. For example, when employees would ask him for advice on a topic in his area of expertise, he would tell them to use their own common sense. Then when they finished the assignment, he would make demeaning remarks about them and speak loudly about how they had done their work the wrong way. At other times, he would demand rudely in a loud voice that they drop whatever they were working on and help him with his project. The employee said he had attempted to speak with his supervisor about the situation, but was told **not to make a mountain out of a mole hill.***

Response

The **EAP Counselor** met with the employee. The employee described feelings of being overwhelmed and helpless with regard to the situation. The demeaning remarks were becoming intolerable. The employee believed that attempts to resolve the issue with the coworker were futile. The fact that the supervisor minimized the situation further discouraged the employee. By the end of the meeting with the EAP, however, the employee was able to recognize that not saying anything was not helping and was actually allowing a bad situation to get worse.

At a subsequent meeting, the EAP counselor and the employee explored skills to address the situation in a respectful, reasonable, and responsible manner with both his supervisor and the abusive coworker. She suggested using language such as:

> *Please lower your voice.*
> *I don't like shouting.*
> *I don't like it when you put me down in front of my peers.*
> *It's demeaning when I am told that I am...*
> *Don't point your finger at me.*
> *I want to have a good working relationship with you.*
> *I recognize how important your project is. I will help you this afternoon when I have finished the job I am working on.*

CASE STUDY

**Case Study 16 -
Disruptive Behavior
(continued)**

The employee learned to focus on his personal professionalism and responsibility to establish and maintain reasonable boundaries and limits by using these types of firm and friendly "I statements," acknowledging that he heard and understood what the supervisor and coworker were saying, and repeating what he needed to communicate to them.

After practicing with the Employee Assistance Program counselor, the employee was able to discuss the situation again with his supervisor. He described the situation in non-blaming terms, and he expressed his intentions to work at improving the situation. The supervisor acknowledged that the shouting was annoying, but again asked the employee not to make a mountain out of a mole hill. The employee took a deep breath and said, *It may be a mole hill, but never the less it is affecting my ability to get my work done efficiently.* He requested that the supervisor be ready to intervene if the behavior continued. Finally, the supervisor stated that he did not realize how disruptive the situation had become and agreed to monitor the situation.

The next time the coworker raised his voice and demanded that the employee drop what he was doing and work on his project, the employee used his newly acquired assertiveness skill and stated in a calm and quiet voice. *I don't like to be shouted at. Please lower your voice.* After a moment of silence he continued, *I recognize how important this is to you. I will take care of it this afternoon after I have finished the job I am working on.* When the coworker started shouting again, the employee restated in a calm voice, *I don't like being shouted at. Please lower your voice.* The coworker stormed away.

Meanwhile, the **Supervisor** began monitoring the situation. He noted that the abusive coworker's interactions had improved with the newly assertive employee, but continued to be rude and demeaning toward the other employees. The supervisor consulted with the EAP and employee relations specialist for assistance, recognizing that the discord was increasing. The EAP counselor told him, *Generally, people don't change unless they have a reason to change.* The counselor added that the reasons people change can range from simple "I statements," such as those suggested above, to disciplinary actions. The **Employee Relations** specialist discussed disciplinary options with the supervisor.

The supervisor then met with the abusive coworker who blamed the altercations on the others in the office. The supervisor remembered

CASE STUDY

**Case Study 16 -
Disruptive Behavior**
(continued)

that his goal was to put an end to the abusive behavior and that placing blame was often counterproductive to achieving this goal. He therefore responded, *I understand the others were stressed. I'm glad you understand that shouting, speaking in a demeaning manner, and rudely ordering people around is unprofessional and disrespectful. It is unacceptable behavior and will not be tolerated.* During the meeting, he also referred the employee to the Employee Assistance Program (EAP).

The coworker continued his rude and demeaning behavior to the other employees in spite of the supervisor's efforts. The others, after observing the newly acquired confidence and calm of the employee who first raised the issue, requested similar training from the EAP. The supervisor met again with the EAP counselor and employee relations specialist to strategize next steps.

Resolution

When all of the employees in the office started using assertive statements, the abusive coworker became more cooperative. However, it took a written reprimand, a short suspension, and several counseling sessions with the EAP counselor before he ceased his shouting and rude behavior altogether.

*Questions for the Agency
Planning Group*

1. Does your workplace violence training include communication skills to put a stop to disruptive behavior early on (including skills for convincing reluctant supervisors to act)?

2. How would your agency have proceeded with the case if the coworker had threatened the employee who confronted him?

3. What recourse would the employee have had if the supervisor had refused to intervene?

Resources

Federal Government Agencies

Office of Personnel Management (OPM)
Employee Relations and Health Services Center
1900 E Street, NW
Washington, DC 20415
(202) 606-2920

OPM's Employee Relations and Health Services Center provides advice and assistance to Federal agencies on issues relating to employee relations and Employee Assistance Program policy, including workplace violence, traumatic incidents, reasonable accommodation, and discipline. OPM publications include:

A Manager's Handbook: Handling Traumatic Events is available through the OPM rider system.

Significant Cases, a bi-monthly summary of important decisions of the courts, the U.S. Merit Systems Protection Board, and the Federal Labor Relations Authority is available through the OPM rider system.

New Developments in Employee and Labor Relations, a bi-monthly publication that highlights current case law, issues, and events in employee and labor relations, is available through the OPM rider system.

Alternative Dispute Resolution: A Resource Guide is available by calling the phone number listed above.

Department of Health and Human Services (DHHS)
Centers For Disease Control and Prevention
National Institute for Occupational Safety & Health (NIOSH)
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226-1998
(800) 356-4674

NIOSH has issued a publication on workplace violence, *Violence in the Workplace: Risk Factors and Prevention Strategies*, NIOSH

Federal Government Agencies (continued)

Current Intelligence Bulletin No. 57 (Publication Number 96-100), June 1996. To obtain a copy, call the toll free number listed above, or access the Internet at **www.cdc.gov/niosh/homicide.html.**

Callers may also use the toll free number to find a directory of topics of publications and databases which may be ordered. Recorded summaries that provide overviews and relevant statistics about selected topics are also available. Use the automated fax information service to receive documents within 15 minutes. Technical information specialists may also be reached on this number from 9:00 a.m. to 4:00 p.m.. Eastern time, Monday through Friday. Callers may also learn about NIOSH training resources or request a NIOSH workplace health hazard evaluation. Access the Internet at **http://www.cdc.gov/niosh/homepage.html**.

Department of Justice
   National Institute of Justice
   National Criminal Justice Reference Service
   Bureau of Justice Assistance Clearinghouse (BJAC)
   P.O. Box 6000
   Rockville, MD 20849-6000
   (800) 851-3420

Calling the toll free number offers several information options including a fax-on-demand service for documents, being able to speak with a specialist, or learning about how to access an electronic newsletter through their web and email address. The caller can also learn about their Research and Information Center located in Rockville, Maryland. BJAC also has a catalog of National Institute of Justice documents. Many of the documents included in the catalog pertain to workplace violence, for example, *Violence and Theft in the Workplace, The Cycle of Violence, Psychoactive Substances and Violence*, and *Crime Prevention Through Environmental Design in Parking Facilities.*. Access the Internet at **http://www.ncjrs.org**.

Federal Government Agencies (continued)

Department of Labor
 Occupational Safety and Health Administration (OSHA)
200 Constitution Avenue, NW, Room N3107
Washington, DC 20210
General information: (202) 219-8031
Publications: (202) 219-4667

OSHA's most recent publication on workplace violence is
*Guidelines for Preventing Workplace Violence for Health Care
and Social Service Workers*, U.S. Department of Labor,
Occupational Safety and Health Administration, (OSHA 3148),
1996. Copies can be obtained from GPO by calling (202) 512-
1800. (The cost is $3.25 and the order # is 029-016-00172-7.)

Contact OSHA's Office of Federal Agency Programs at (202)
219-9329 to obtain information on OSHA record-keeping and
reporting requirements for Federal agencies (OSHA Instruction
FAP 1.3).

 Women's Bureau
200 Constitution Avenue, NW
Washington, DC 20210
(202) 219-6665

The Women's Bureau has issued *Domestic Violence: A
Workplace Issue*, October 1996, Document Number 96-3.

Non-Government Organizations

American Psychiatric Association (APA)
Division of Public Affairs
1400 K Street, NW
Washington, DC 20005

The APA publishes a free fact sheet, *Violence and Mental Illness*,
Document Number 6109. To obtain a copy, call the APA's fast fax
automatic document retrieval service at (888) 267-5400, or access
the Internet at **http://www.psych.org/** (listed under Resources for
the General Public, Fact Sheet Series).

Non-Government Organizations (continued)

American Psychological Association (APA)
1200 17th Street, NW
Washington, DC 20036
(202) 955-7600

Information on violence is available on APA's website at
http://www.apa.org/.

International Association of Chiefs of Police (IACP)
515 North Washington Street
Alexandria, VA 22314-2357

The IACP has published a booklet *Combating Workplace Violence: Guidelines for Employers and Law Enforcement*. To obtain a copy, write to the IACP at the address above or access the Internet at **http://amdahl.com/ext/iacp/pslcl.toclhtml**.

International Critical Incident Stress Foundation
10176 Baltimore National Pike, Unit 201
Ellicott City, MD 21042
(410) 750-9600

The Foundation provides information and training on critical incident stress management.

National Crime Prevention Council (NCPC)
1700 K Street, NW, Suite 618
Washington, DC 20006
(202) 466-6272

NCPC provides information on the prevention of crime and violence.

National Domestic Violence Hotline
(800) 799-SAFE or (800) 787-3224 (TTY)

This nationwide hotline offers crisis intervention, problem-solving skills, information, and referral to service agency providers.

Non-Government Organizations (continued)

National Organization for Victim Assistance (NOVA)
1757 Park Road, NW
Washington, DC 20010
(202) TRY-NOVA

NOVA refers callers to local victim assistance organizations.

National Victims' Center
P.O. Box 588
Arlington, VA 22216
(800) FYI-CALL

The National Victims' Center provides information and referrals to local victim assistance organizations.

Computer Systems

PAVNET
Partnership Against Violence Network (PAVNET), accessible through the Internet at **www.pavnet.org**, is a clearinghouse with over 500 entries on violence. Information in PAVNET includes: funding grants, research projects, grass-roots efforts to address violence, and curriculum development. Government and non-government organizations addressing the subject of violence are listed.